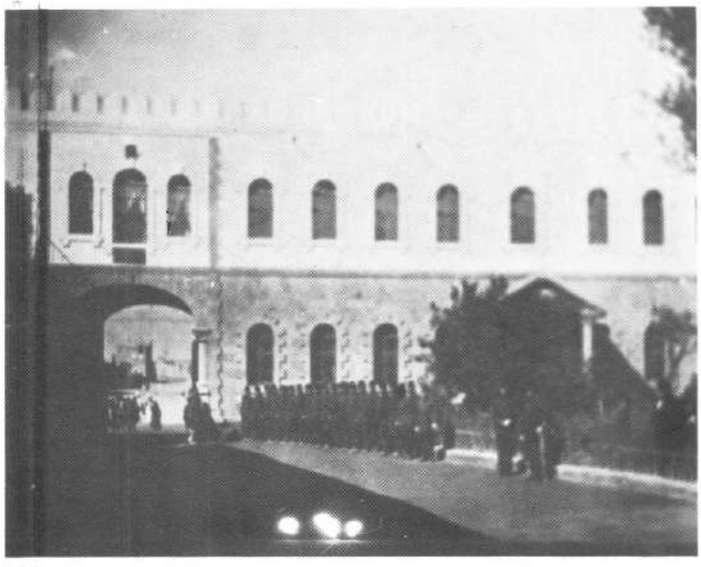
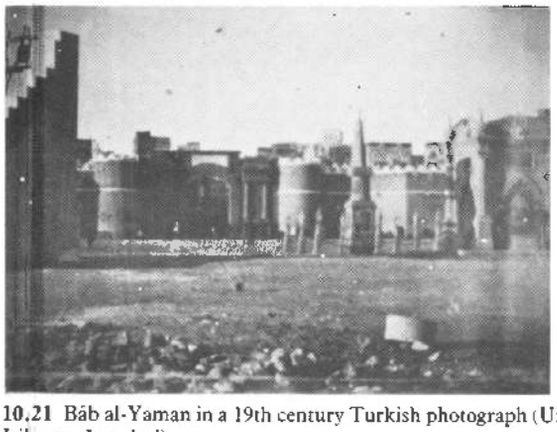
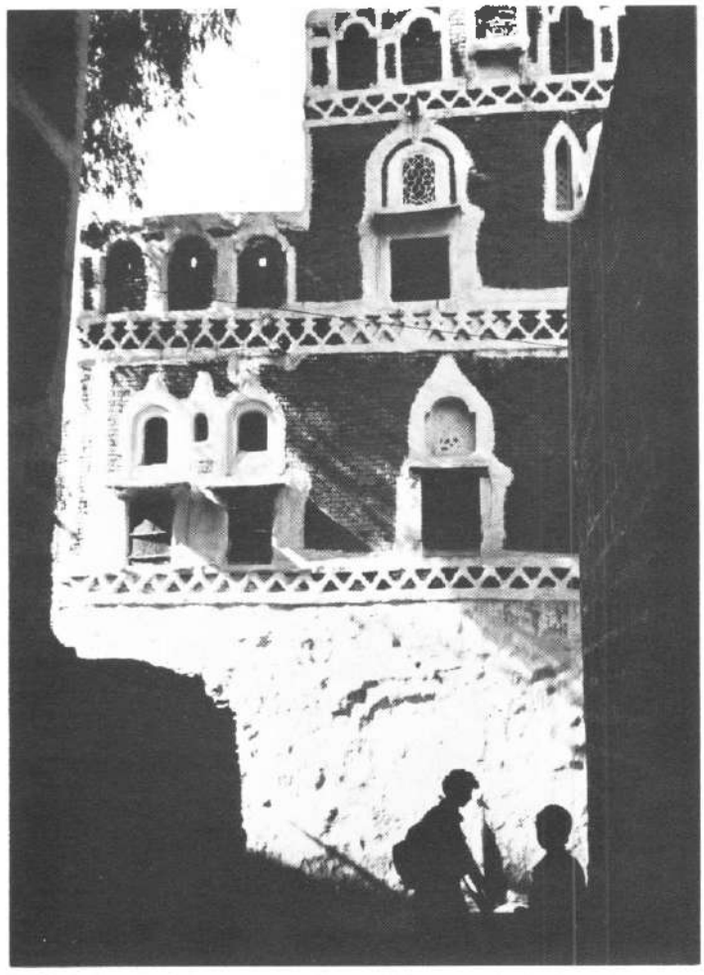
10.19 The Turkish Hospital.



10.20 Bāb al-Sabāḥ in a 19th century Turkish photograph (University Library, Istanbul)



10.21 Bāb al-Yaman in a 19th century Turkish photograph (University Library, Istanbul)



10.22 A characteristic street scene. Trees which are growing in the market gardens behind the houses are sometimes visible.

The City Under the Ḥamīd al-Dīn Imāms

The withdrawal of the Turks in 1338/1919 was followed by a period of consolidation and reconstruction. The Imām built a splendid new palace next to the old site in Bustān al-Mutawakkil, and in this the first electricity in the city was installed.[200]

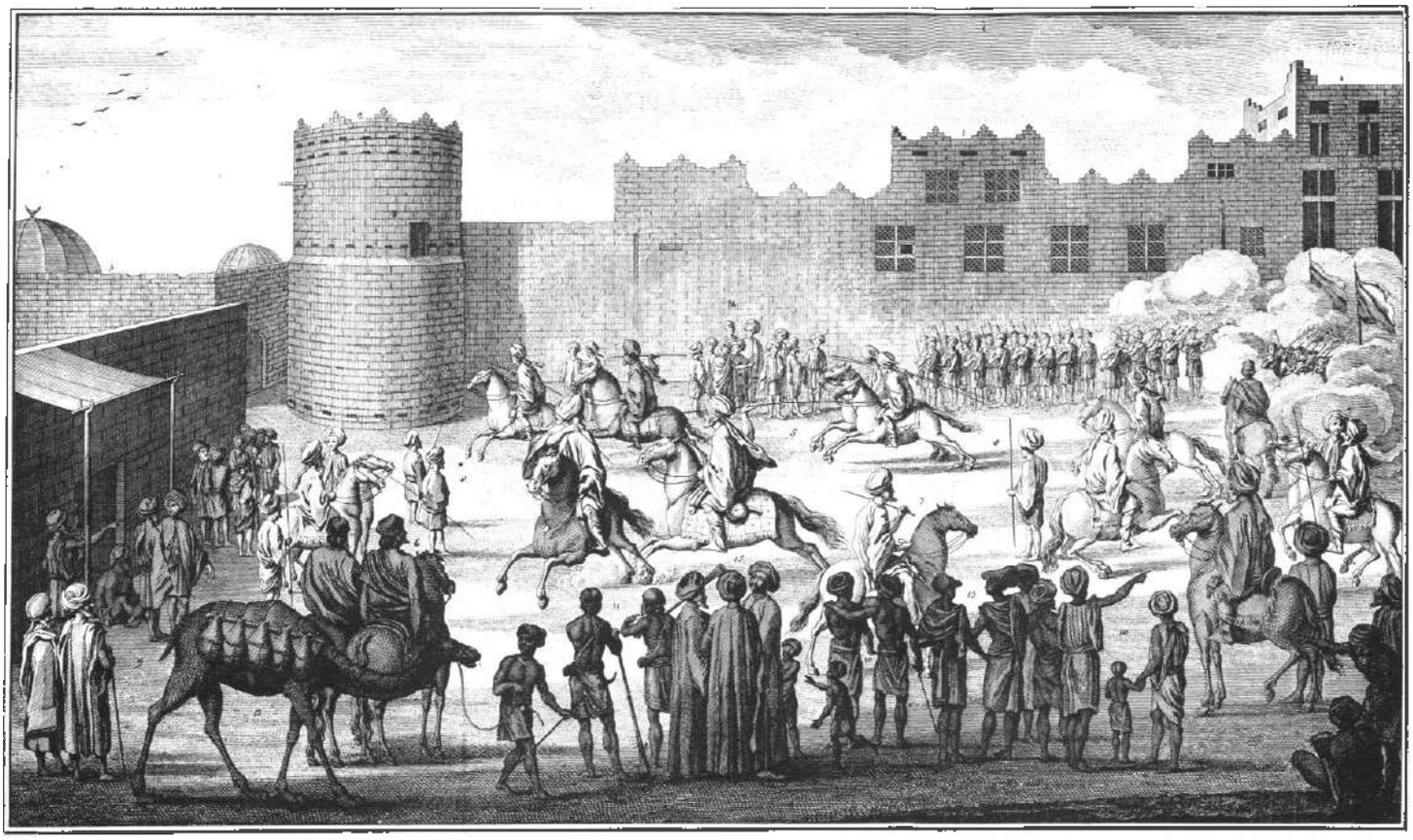
Inhabitants flocked once more into Ṣan'ā' and within a decade it had recovered to a population of 50,000.[201]

The new Imām engaged in some public works, founding an Orphan School, al-Madrasah al-'Ilmiyyah, and extending the Great Mosque.

On the whole, however, little change took place in Ṣan'ā'. The city was sacked by tribesmen in 1368/1948. During this attack many large houses suffered internal damage, the Samsarat Muḥammad b. Ḥasan was pillaged (and has been closed ever since), and some damage was done to houses, especially those in Bīr al-'Azab, by fire. Life quickly returned to normal, however, with the physical form of the city much as it had been before, but the new Imām ruled from Ta'izz.

200 P. Lamarc, 'L' Arabie Heureuse', *La Géographie*, Paris, 1924, XIII, 1-23.
201 C. Rathjens & H. von Wissmann, 'Sanaa, eine südarabische Stadtlandschaft', *Zeitschrift der Gesellschaft für Erdkunde zu Berlin*, 1929, 329-53; G. B. Rossi, *Al-Yemen*, Torino, 1927, estimated the population as even larger at 60,000.

10.23 View of the old city from the south west, with the Sā'ilah in the foreground.



10.24 In al-Mahdi 'Abbās's time, following the Friday Prayer, the Imām's or Governor's mounted escort performed exercises in the *maydān* before the Government palace. (1) pairs bearing lances chasing round after pairs (2) round tower (*qasabah*) (3) mosque (4) house (5) Governor (6) mountain tribesmen (7) *Shawush* of soldiers (8) Governor's servants (9) wealthy townsmen (10) Tihāmah Arabs (11) mountain tribal soldiers (12) water camel (13) Bāniyāns (14) Jews (15) Strangers in Turkish dress. (Baurenfeind-Niebuhr)

Chapter 11
Administrative Organisation

The Administration of Old Ṣan'ā'

That the Imāms interested themselves in the Government of Ṣan'ā' is evident in their concern with the fixing and revision of the Statute of Ṣan'ā' (*Qānūn Ṣan'ā'*) by which the city's markets were regulated. The indications are that further inquiry will reveal a certain uniformity in the government of all the principal cities under Zaydī control, in respect of market law, price fixing, the organization and policing of the wards or quarters of each urban community. The government official in charge of Ṣan'ā' was the *'āmil*, and in the year 1234/1818-9, this was Muḥammad b. 'Alī al-Ḥaymī[1] of the Qāḍī class. Yemeni biographers not infrequently record that such and such an official acted as *'āmil* or *ḥākim* in Ṣan'ā' at some stage in the course of his career. The *'āmil's* varied duties could even include ordering the market folk to decorate the sūqs in honour of a Turkish notable visiting the city—as at the beginning of the 12th/18th century.[2]

In Imamic Ṣan'ā' of the Ḥamīd al-Dīn there was a *ḥākim* or judge for the city, but Sayyid Aḥmad al-Shāmī informs us that there was also a judge called Ḥākim al-Maqām, at the Maqām al-Imām, i.e., the Imām's residence, who would act when two contending parties came to the Imām when he would be set to arbitrate between the parties (*li-'l-faṣl bayn al-khaṣmayn*). To take a case in point, Muḥammad b. Muḥammad al-Wazīr was Ḥākim al-Maqām up to the dynastic revolt of 1948—but anyone of the appropriate standing might act as *ḥākim* and this was often done by 'Abdullāh al-Wazīr himself, the Imām at Ṣan'ā' for a few short weeks in 1948. Qāḍīs who give decisions, and depend for their living on fees paid them by litigants, are known as *ḥākim al-sabīl* in the popular usage (*al-'urf*) of the Yemen, this is because they have no stipend assigned them (*taqrīr*) from the Treasury (Bayt al-Māl). Some of these were quite notable persons as for instance the 12th/18th century Ismā'īl b. Yaḥyā al-Ṣiddīq whom al-Mahdī al-'Abbās made one of his *ḥukkām* of Ṣan'ā'.[3]

Imām Yaḥyā was accustomed to hear cases sitting under a pepper tree (*ḥawāyijih*) in the courtyard of his palace.[4] In fact also three tribal *ḥākims* usually resided in Ṣan'ā', the *ḥākims* of Ḥamdān whose capital is Qaryat al-Qābil of nearby Wādī Ḍahr, of Sinḥān with their capital at al-J rdhar, and Banu 'l-Ḥārith with theirs at al-Rawḍah. These places being so near the capital they were allowed to reside there.

The Turks had introduced an innovation when they set up the Court of Appeal (Majlis al-Isti'nāf al-Shar'ī) in 1289/1872, and this continued in existence after their departure. The Appeal Court was described by an embittered scholar at the time as being manned by 'listeners to lies and devourers of bribes'.[5] This court was retained by the Imāms, and, even when it ruled against him, its decisions are stated to have been accepted by the Imām. Zayd al-Daylamī was the president of it, then Yaḥyā al-Iryānī; Imām Aḥmad appointed al-Wādi'ī of Ṣa'dah to it.

The Imām normally dealt only with cases of the *ḥadd* category in which, for example, there was the question of the offender's hand being cut off, and with executions. The documents pertaining to such cases were brought to him, and he scrutinized them and confirmed the decisions. He might even order an execution. The *ḥākims* held court in their houses, as in the 'Amrī house in al-Sā'ilah Quarter where there was a special entrance for those coming into the court from the street. If anyone disagreed with the decision of the *ḥākim*—who must be a *qāḍī*, though a *qāḍī* was not necessarily a *ḥākim*—the case went up to the Appeal Isti'nāf Court. During the first Ottoman occupation, doubtless because the Turks follow the Ḥanafī school of Islam, we find a Ḥanafī Sayyid acting as a *ḥākim* in Ṣan'ā'.[7] The jurists were, up to 1962, drawn from the Ma'had Dīnī, or Religious College, as were most, if not all, of the other government officials in the Zaydī districts. As a comment on the distribution of offices as between the two main sects in the Yemen, the saying, *'Mā amr illā Shawāfi' wa-mā 'askar illā Ziyūd'*, may be quoted, meaning that the civil posts were occupied mainly by Shāfi'īs and the army posts by Zaydīs; this may, however, be a partial view. Before

1 He seems to be described in *Qānūn Ṣan'ā'*, section 1, d, as 'the respected *ḥākim*.

2 *Nashr al-'arf*, II, 930.

3 *Al-Badr al-ṭāli'*, I, 156, seq.

4 Nazīh, *Riḥlah*, 180, *inter alia*, describes this; cf. Ameen Rihani, *Arabian Peak and Desert*, London 1930, 104 and 108, for a picture of this tree.

5 *A'immat al-Yaman*, (2), I, 30, *Sammā'ūn li-'l-kadhb akkālūn li-'l-suḥt*. Qādī Ismā'īl's collection includes the proverb, *Shaff al-ḥākim wa-lā ghuzr al-shuhūd/alf shāhid*, as in *Jemenica*, 91, no. 612. That is to say, the partiality of the *ḥākim* is more serious/important than a large number of witnesses.
Ibid, 113, no. 314, *Idhā qad gharim-ak al-qāḍī fa-man tishāri'*, If your opponent is the *qāḍī*—with whom can you contest/are going to law? this expresses the hopelessness of getting justice when the *qāḍī* is partial to one of the contending parties.
For verses attacking corrupt *qāḍīs* see *Nashr al-'arf*, II, 767-9.

6 Ibid, II, 266, mentions a *ḥākim* of the *Dīwān* of the Imām (al-Mahdī al-'Abbās (12th/18th century)) and one of the *qāḍīs* in Ṣan'ā'. Cf. Ibid, II, 19. Nazīh, op. cit., II, 265, has actually a photograph of the 'Āmil of Ṣan'ā', Ḥusayn 'Abd al-Qādir, taken in 1936.

7 *Ghāyat al-amānī*, II, 816. He was a *fayṣal fi 'l-ḥukūmāt*, an arbiter in legal cases.

11.1 A *qāḍī* of Ṣan'ā' and his family.

1962, I was informed, there were many officials deeply learned in the law, but a large number of these ulema were murdered in Ṣan'ā' following the *coup d'état* of 1962, and there does not seem to be any complete substitute for the Ma'had Dīnī now.

Ordinary day-to-day cases in Ṣan'ā' were dealt with by the shaykhs and *'āqils*, and it was only when such affairs started to enter into the province of the *sharī'ah* courts,[8] that these courts dealt with them. So petty market or street squabbles, fights, frauds, were not really noticed by the *sharī'ah*, though the Imāms were careful to see that here also no point where Islamic principle was concerned should be neglected. The level at which the *sharī'ah* is interested in market law may be deduced from studying such a legal treatise as the *Sharḥ al-Azhār*.[9]

The 'Amil or Governor, among his other duties, scrutinized the current prices of articles of merchandise as submitted to him by the Shaykhs and Clerk(s) of the Markets. The Governor[10] would, in cases of fraud, punish not only the actual offender, but also the Shaykh of his particular market. He is described in *Qānūn Ṣan'ā'* as Dhu'l-Wilāyah'.[11]

In Imām Yaḥyā's day the Government Offices continued to be at Bāb Sharārah where they had been set up by the Ottoman Turks. The functions of the 'Āmil of Ṣan'ā' are identical with those assumed by the earliest Zaydī Imām, al-Hādī ila 'l-Ḥaqq, well over a thousand years ago at Ṣa'dah, where, it can be postulated, his practice could well be continuing many precedents from before the Islamic age. Though his stay in Ṣan'ā' itself was brief, punctuated by skirmishes, warlike clashes and encounters, and he had finally to leave it when his demands for loans and assistance from the townspeople to maintain his tribal troops were rejected by them, al-Hādī's practice at Ṣa'dah was considered by the Zaydī Imāms as their model. It would certainly be applied in Ṣan'ā' and other Yemenite towns under their control. Al-Hādī used to 'make the round of the markets and streets (*sikak*), we being with him,' says a contemporary.[12] 'If he saw a wall leaning to the side he ordered its owners to put it right, or a foul (*fāsid*) road he ordered it to be cleaned, a dark back part (*khalf*) of a house he ordered its inmates to put a light in it for the passers-by and a person making his way to the mosque etc. If he saw a woman (un-veiled) he ordered her to don the *ḥijāb* (veil), and if she was an old woman[13] he ordered her to cover herself. He it was who introduced veils (*burqu'*) for women into the Yemen and ordered them to adopt them.'

There follows an account of al-Hādī's surveillance of the markets and price fixing.[14] In brief as Imām he assumed also the functions of the Islamic *muḥtasib* like his contemporary the Zaydī Imām Uṭrūsh in Ṭabaristān. The selection made of his legal pronouncement contains much that affects the city and its markets.

There is much evidence of the application of *sharī'ah* legislation to the Statute (*Qānūn*) of Ṣan'ā'—first of all in the matter of price-fixing (*tas'īr*) discussed in al-Ḥaymī's 'Preamble',[15] and fundamental to the Statue as a whole. There is the prohibition of the interception of commodities imported to the market by merchants from the town, and there is *al-radd bi-'l-'ayb*, rescindment of a sale in the event of goods turning out to have a defect concealed by the vendor—which is known to be also pre-Islamic—and even the regulation that a water-vessel must be covered.[16]

'Urf, Customary Law.

Tark al-'ādah 'adāwah, Abandonment of custom is hostility

In his preface to *Qānūn Ṣan'ā'*, al-Sayāghī states that every Yemeni town (*baldah*) has many Statutes (*qawānīn*)[18] which order the social customs (*'ādāt*) of these towns and other transactions confirmed by the *sharī'ah*—indicated in many legal (*fiqhī*) problems by such expressions as *'illā li-'urf*, unless there be a custom', (not of course clashing with the *sharī'ah*), or *'bi-ḥasb al-'urf*, according to custom', or *'al-muqaddam al-'urf*, the custom is preferred'. This statement does not, of course, apply to the Yemen alone, and the Mukallā marriage laws[19] for instance, would have their Yemeni counterpart, while there are customary laws for agriculture, fishing, navigation, hunting, agriculture, etc. Tribal customary law, *Ṭāghūt*[20] and *Man'ah* are yet of another category. Yemenis say *'li-kull qaryah silf*, each village has its (customary) precedent'.[21] The *silf* of 'Dhū Ghaylān' was stated to be the *silf* of the Dhū Muḥammad and Dhū Ḥusayn tribes when we were at Baraṭ.

One heard, says al-Sayāghī, from one's forefathers, that there were statutes to cover such social gatherings as mournings (*ma'ātim*), weddings, etc., that defined, even limited what had to be provided by way of meals, and gifts (*rifd*, pl., *arfād*) by relations, friends and guests, for the groom and bride, supplies (*ma'ūnāt*,[22] possibly aid contributions), and interchange of invitations to weddings (*ḍifah*). These probably closely resembled the laws and customs of the Quarters of Tarīm town and al-Mukallā.[23] Ṣan'ā' also had sumptuary laws on the dress of brides and on maintaining dowries at a moderate level (or attempting to do so)—as in Ḥaḍramawt of the present century. All this says al-Sayāghī, is in accordance with the aim of the 'Law Giver'.[24]

8 Nazīh, *Riḥlah*, 28, describes the *maḥkamah shar'iyyah* at Hodeidah.
9 For the 'Judiciary' in general in the 20th century Yemen, see al-Ṭayyib Zayn al-'Ābidīn, *The role of Islam in the state, Yemen Arab Republic (1940-1972)*, Cambridge Ph.D. thesis, 1975.
10 *Qānūn*, section 49.
11 Ibid, section 21, ch. II. A strange piece of information is that the Deputy of the *'Amil* is responsible for seeing butchers clear the bones from the abattoir (p.190a), but *'Amil* is most certainly a misprint for *'āqil*.
12 Cf. 'Alī b. Muḥ. al-'Abbāsī, *Sīrat al-Hādī ila 'l-Ḥaqq*, Damascus 1972, 386.
13 *Min qawā'id*. The noun *tasattur*, rendered as 'cover herself', might refer to the *sitārah*, the large cloth with which the San'ānī woman covers herself from head to foot when outside.
14 Cf. p163b.
15 See p.182a.
16 See p.225a.
17 Qāḍī Ismā'īl, *al-Amthāl al-Yamāniyyah*, I, 362, no. 1070, i.e. Leaving off customary kindness, stirs up hostility.
18 Further research into these *qawānīn* should be undertaken before they disappear from memory and the documents get lost.
19 Cf. my 'Recent marriage legislation from al-Mukallā with notes on marriage customs', *BSOAS*, London,1962, XXV, 3, 472-98.
20 For *Ṭāghūt* see my remarks in A. J. Arberry, *Religion in the Middle East*, Cambridge, 1969, II, 11, and more fully, C. Rathjens, 'Tāghūt gegen scheri'a', *Jhb. des Linden-Museums*, Stuttgart, 1951, 172-87. At Ṣa'dah it was remarked in 1973 that in relations between themselves tribes use *Ṭāghūt* but if the Government enters into a case it uses *sharī'ah*.
21 Cf. *Jemenica*, 89, no. 596, *silf al-bilād*.
22 *Ma'ūnah* means also, *une contribution extraordinaire, imposee par le prince quand le trésor public était épuisé, une imposition fixe*, etc., Dozy, *Supplément*. The Zaydī ulema argued at some length on the validity of such a tax.
23 Cf. my *Prose and Poetry from Ḥaḍramawt*, London 1951, pref., 27.
24 Al-Shāri', the Prophet.

In such families as al-Akwa' you have the *mahr al-mithl* a fixed dowry[25] for marriages that take place within the Akwa' family—which is very large and widely distributed. Certain ordinances also regulated the clothing of each class and distinguished it in its outward appearance, so that not to follow it would be a loss of esteem. However, it seems that any sort of sumptuary law such as this last is unknown nowadays, nor is it known in the living memory or through the report of elderly persons.

When a person dies, relatives to this day provide food, wheat, ghee, money (*burr, saman, fulūs*),—this is an effect a sort of loan or debt which must be returned when an appropriate occasion arises, but the custom seems nowadays to be mainly confined to the *qabā'il* tribesfolk, and is not, it is said, found in the towns.

Al-Sayāghī deduces from the *Qānūn Ṣan'ā'* that there were additional codes or statutes to those in the document itself, for each market in the town, to which reference would be made, these being kept in the custody of the Shaykhs. To judge from a parallel type of document, a collection of papers which I copied from the *dallāls* of Shibām of Ḥaḍramawt, these are likely to be agreements between the people of any given market or their headmen, following upon some dispute. Additional Ṣan'ā' documents, al-Sayāghī considers, would contain particulars of the taxes (*jibāyah*) levied (presumably by each market organization) on the rich, those of middling wealth, and the poor, and the duties obligatory on the Shaykh of each market of raising small and important matters to the 'Āmil, the Governor of Ṣan'ā'.

Control of the Markets

The Market was governed by the Chief Shaykh (Shaykh al-Mashāyikh) who is elected by the Shaykhs, or, as one informant stated, by the *'āqils* (perhaps indeed by both) of the various markets (Mashāyikh al-Aswāq), and it appears that each sūq has a Shaykh. Their general duties are laid down in section 49 of the *Qānūn*. The Chief Shaykh holds in his hands the regulations (*qawā'id*)[26] issued by the *Ḥākim*. The main duty of the Chief Shaykh, like the Islamic *muḥtasib*, seems to have been to keep an eye on weights and measures. The Shaykhs of individual markets would presumably be elected from among the *'āqils* and *umanā'*, 'honest men', of each market. The Chief Shaykh was responsible to the Governor, and this office of Shaykh al-Mashāyikh still exists (1972). In the period of the first Ottoman occupation an office of *Ṣūbāshī* over the Ṣan'ā' Sūq was set up—one Ṣubāshī is recorded as having killed a man from Sha'b on account of an old hatred between them.[27]

The Shaykh al-Sūq was described as the head/president (*ra'īs*), and the *'āqil* as the manager (*mudīr*), of inferior standing to the Shaykh al-Sūq. There are *'uqqāl* of the tailors and porters,[28] and the porters in fact still have *'uqqāl* to this day. Sometimes the posts of Shaykh in the markets are, it is said, hereditary in families, but this would be practice not law. In 1972 the Shaykh Mashāyikh Ṣan'ā'[29] was Ḥusayn 'Alī al-Watārī, the Shaykh Mashāyikh al-Ḥārāt wa-'l-Aswāq, i.e. Shaykh both of the Quarters and of the Markets. Enquiries elicited the statement that the Jews had no part in electing the Shaykh al-Mashāyikh.

The Quarters (*Ḥārah/Ḥārāt*) of Ṣan'ā'

The earliest division of Islamic Ṣan'ā' into the two districts of al-Qaṭī' and al-Sirār still exists today in its topographical sense. The city, however, can be said to be composed of a number of Quarters or Wards, mainly called after the mosque of each Quarter, though, to judge by *Masājid Ṣan'ā'*[30] this is not invariably so. The boundaries between Quarter and Quarter if defined, and they seem to have been defined not so long ago, are not exactly known to the man in the street. This is in direct contrast to the towns of Ḥaḍramawt which are closer in their organization to tribal structures, and where the limits of each Quarter are exactly determined—or in active dispute—and energetically maintained by the men of the Quarter. So much is this so that affrays break out if one Quarter on ceremonial occasions attempts to infringe on the ground claimed by another.[31] In Ṣan'ā' the organization of the Quarters, although bearing some relation to that of Ḥaḍramī towns, has lost the independence the latter enjoyed, and been brought under the control of strong central governments. It is urban rather than tribal in its aspect. Probably, in the Yemen as a whole, if such inter-Quarter rivalry existed, it has disappeared as anachronistic, and under the disapproval of rulers not bound up with the local society—in which way they would to some extent

25 Yet a writer in *Ma'rib*, Ta'izz, 13 Rabi' II, 1392/26 May, 1972, commenting on an article in the preceding issue, 'The cost of dowries (*ghalā' al-muhūr*) in Shar'ab' blames this on the fathers. Though the Government has limited the *mahr* and *daf'* (which I have rendered as 'dowry and bride price') it can do nothing if people do not observe this law. 'We in Ḥāshid', he says, 'have met together among ourselves and limited the dowries (*muhūr*) so that they do not exceed a thousand *riyāls* for the virgin, and 750 *riyāls* for a woman previously married. Regulations (*qawā'id*) were written down, the Mashāyikh, ulema and 'youth' (*shabāb*) signed them, and committees were formed from each village to keep an eye and watch (on them).' Both the person arranging the marriage and the person being married must take an oath (*yamīn*) with the local committee not to pay one more *riyāl* than the prescribed sum. In some villages where they broke the regulations they were fined 5,000 *riyāls* paid by the person arranging the marriage and the person being married, to the village chest of the tribe.
Qāḍī Ismā'īl states that the *mahr* is expended on silver jewellery for the bride, but the *sharṭ* goes to her father to help him meet the expenses of the marriage. In Yemeni villages when a man marries it is customary for the people of the village to bear a share of the cost and to help out those in whose houses the marriage is taking place with corn (*ma'ākil*) and sheep-and-goats when there are guests from outside the village. This aid (*ma'ūnah*) becomes a fixed debt held in trust (*fī dhimmah*) of the people giving the wedding until such time as a marriage takes place in another house and they return to it what it gave to them. So people say, *'Al-'irs fi 'l-bayt wa-'l-gharāmah 'ala 'l-qaryah*, The marriage takes place in the (one) house, but the charge is the responsibility of the (whole) village'.
Goitein, *Jemenica*, 44, no. 236, has an amusing expression for somewhat these circumstances, *'Bint qashshām u-sharṭ bint al-mām*, The daughter of a leek-seller but the dowry of the Imām's daughter!'

26 Presumably this collection still exists.

27 *Ṭabaq al-ḥalwā*, fol. 65 b.

28 Cf. *Qānūn*, sections 26 & 48, viii.

29 Niebuhr in R. Heron, *Travels through Arabia*, Edinburgh, 1892, 87, speaks of the 'Emir es Suk' who regulates sales and markets, but he is probably to be identified with the Shaykh al-Sūq of the *Qānūn*.

30 E.g., Ḥārat Abī Maṭar, Ḥ. Ḥammām Saba' called after the public bath, Ḥ. Mu'ammar, Ḥ. al-Nahrayn, Ḥāfat Qandah, Ḥāfat Samrah, pp. 9, 140, 70, 140, 87. One hears sometimes *sarḥah*, an open square or space, used for *ḥāfah* or *ḥārah*, a quarter, e.g. Sarḥat al-Wādī for Ḥārat al-Wādī.
An interesting name is Ḥārat Ṭubūl Khānah, lying south of the street leading from the Ṭalḥah Mosque to Ḥammām Saba', seemingly the Quarter where the drum-band performed or was stationed.
The *Ṭabl-khānah* under the Rasūlids performed at various official occasions such as those recorded in Hikoichi Yajima, *A chronicle of the Rasūlid dynasty of the Yemen*, Tokyo, 1974. The drums of the drum-band were beaten on joyous occasions (*furjah*), often at a procession (*zaff*) (47), which had, sometimes anyway, musical instruments and cymbals (*ma'āzif wa-ṣanj*) accompanying it (45). The drumming might continue for three (185) or seven days (*duqqa 'l-ṭabl-khānah/yakhdum al-ṭ.*) (87, 175, 181). It is sometimes called *ṭabl-khānah arba' bi-arba'* (sense uncertain, 99, 116, 127), and it might be taken (*shilat*) to a victorious *amīr* accompanying gifts to him and he would return with it—in fact mostly victories seem to have been celebrated (50). At a wedding the beating lasted seven days, and the 'ever-victorious soldiery (*al-'askar al-manṣūr*)' made a play with horses (no doubt after the manner of the Niebuhr sketch at Ṣan'ā', p.143). Other occasions upon which it played were for the *khiẓānah*, i.e. the revenues remitted to Ta'izz leaving Aden port and city (53), and at a *zaff* when foundations of a building were laid (58). Cf. pp. 57, 74, 98, 104, 183-4. *Amīrs* seem to have had their own *ṭabl-khānahs* (Khazrajī, *al-'Uqūd*, text I, 139, II, l). I recall on my arrival at the Tihāmah village al-Muḥarraq, on 31.X.66, the drummers, servants of the Shaykh, came to meet us and drum us to his hut. These are African type populations, *akhdām*—I hazard a guess that the Rasūlid drummers were also drawn from this group.
Cf. G. R. Smith, *Ayyūbids and early Rasūlids in the Yemen*, I, 20b. *passim*, II, Glossary.
Qalqashandī, *Ṣubḥ al-a'shā*, IV, 13, gives a full description of the *Ṭubūl-Khānah* in Egypt with the various instruments, but so far there is no known account of the composition of the Rasūlid band.

31 Cf. my 'The Quarters of Tarīm and their tanṣūrahs', *Le Museon*, Louvain, 1950, LXIII, 277 seq. and my 'Wards and Quarters of towns in South-West Arabia', *Storia della città*, Roma, 1978, VII, 43-8.

be resembled by the Sayyids of Tarīm—or as that of these Ḥaḍramīs, not even native to the town.

The same sentiment over boundaries and territories was still felt, however, by the tribesmen of the northern Yemen who jealously preserved their territorial integrity from infringement by other tribes with whom they did not happen to be at war, if these tried to cross their country in full tribal panoply—today conditions are probably still as they were. A case in point is that, in 1073/1662-3, the son of the Imām had to make peace (*iṣlāḥ*) between the Dhaybān and 'Iyāl 'Abdullāh tribes because 'war (*al-sharr*) had broken out after his arrival, between the people of al-Rajaw of Arḥab and the people of the country because of their beating of the drum (*ṭabl*) in the country of al-Rajaw'.[32] Again, in the following year, on the occasion of the Feast of the Sacrifices (*'Īd al-Naḥr*) war broke out in 'Amrān between the tribes of the town and the 'Iyāl Sirayḥ, because the latter had entered 'Amrān with drums—the principles of proud incompliance with that being observed by the tribes (*qawā'id al-qabā'il*). Between them the two factions lost four souls, and the son of the Imām who was there that day had to separate them and remove the mischief (*fitnah*) from the Yemen.[33] Each Quarter (*Ḥārah*) has an *'āqil*[34] or headman, and these *'uqqāl* would, at any rate in times past, be responsible to the Governor (*'Āmil*). The *Qānūn* (section 20) mentions a Shaykh al-Madīnah[35] once, but he may be similar to, or identical with, the *Shaykh al-Mashāyikh*, and al-Watārī (supra) was described as the Shaykh of both the Quarters and the Markets—it may be that the two offices were always combined. It is to be presumed that he headed the *'uqqāl* in their relations with the Governor.

The *'āqil* is responsible for dealing with any incident (*ḥādithah*) in his Quarter, and for *farq*,[36] i.e., any sort of impost or tax payable by the Quarter as a unit—this sum the *'āqil* will apportion out (*yuḥaddid*) among the people of the Quarter to pay.

The *'āqil* must find out about any stranger (*gharīb*) in the Quarter and make enquiries to ascertain whether he be a thief or other malefactor. He makes arrangements for dealing with flood-water and its effects, and probably other natural calamities.

At emergencies in the Quarter one shouts out, *'Yā ghāratāh yā ghāratāh!'*[37] This is if, for example, robbers be discovered, or there should be an attack upon a person. A woman would give this cry out of fear if she is being beaten by her husband to a point beyond reason. The people would then run up (*yihibbū*) to help, for example, in dissuading a man from belabouring his wife, or to stop a fight, or to cope with thieves. A casual helper intervening is known as *fāri' min shāri'*, an intervener from the street. A proverb speaks of a *mifāri' wa-mlaqquṭ ḥijār*,[38] an intervener and picker-up of stones—i.e., to add force to his argument! Seeing two boys fighting in the street a woman might shout out in order to induce passers-by to separate them, *'Ilayk ilayk ghayr*[39] *'alā akhū-k/ibn-ak/ṣadīq-ak*, Look out you, your brother/son/friend is being assaulted'. It is a shaming action (*'ayb*) to cry, *Yā ghāratāh*, without satisfactory cause—any person who does so would be fined.

In the event of a fire a man shouts out, *'Baytī ḥiriq*, My house is on fire!' At this, the Quarter people run up to his assistance, carrying with them their own gear, such as the ladders they normally use when renewing the plaster (*quṣṣ*) on their houses, and they pour water on the fire.

The *'āqil* of the Quarter has a list of the persons in it. At the time of, say, a flood (*sayl*) a money levy (*gharāmah*) is made upon the men of the Quarter, to pay for the digging of a channel (*sāqiyah*).[40] The *'āqil* then produces his sheet (*bayāḍ-ah*) with the names and makes an apportionment of, say, two *riyāls* per head (*farq mablagh riyālayn*), saying,[41] 'Your contribution (*farq-ak*) is two *riyāls.*' He checks off the payments against his list.

The money will be applied to making a channel to lead off the water to al-Sā'ilah al-Kabīrah—Aḥmad b. Aḥmad Qaryah of Hamdān, who told me this in 1973, lived then in Bustān al-Sulṭān, west of the Sā'ilah into which it would be easy to drain surface water as he describes, but in other parts of the town they must have had their own arrangements. A money levy towards repairing a road in the Quarter would be made in a similar way.

At weddings in the Yemen, though I am not sure if this applies to Ṣan'ā', the *'āqil al-ḥārah* is called in, also the *faqīh al-ḥārah* and the conditions of marriage read out in their presence[42] Like the Markets the Quarters have their own security arrangements for the night-watch, though since, probably, there is not such a concentration of goods attractive to thieves the number of watchmen is smaller and of course the tall stone houses with stout doors and many inmates are less vulnerable than the one storey shops or the *samsarah* warehouses, deserted at night. A *shaykh al-layl* (lit. shaykh of the night) will be chosen by, say, three Quarters to supervise the watchmen and see that they are performing their duties effectively. Nowadays the Shaykh al-Layl receives a stipend (*murattab*) from the Government and the rich give him presents (*musā'adah*), probably of money, in addition.

The Shaykh al-Layl nominates the watchmen (*ḥurrās*) who have to perform the watch duties, from the people of the Quarter—or at least they did so until recent times, saying, *'Ant 'ind-ak al-laylah*, It is your turn tonight'. If a man is ill, or happens to be rich and does not wish to be bothered performing night-watch duty, he hires (*yu'ajjir*) another man to do so in his place. In such cases the Sayyids[43] pay just like other persons, and indeed in this matter individuals seem less important than the houses of the Quarter.

Qāḍī Ismā'īl said that in former days drums (*marāfi'*) were beaten in Ṣan'ā' at three o'clock Arab time (i.e. nine p.m. European time) and after that people stayed in their houses. After this hour travellers who had not reached Ṣan'ā' used to spend the night in villages around the city, because also at nine p.m. the gates were closed and they could not enter it. So also the gates being closed, Muslims and Jews could not enter one another's Quarters.

32 *Ṭabaq al-ḥalwā*, fol. 49 a.

33 Ibid, fol. 50 a. Ibid fol. 58 a. states that when Ṣafiyy al-Islām Aḥmad b. al-Ḥasan summoned Hamdān to himself and the Banu 'l-Ḥārith heard that they would beat the drum (*ṭabl*) as they passed from their country to al-Ghirās, they warned Hamdān that this would be a *bādirah* which would put a slight (*'ār*) upon them. The dictionary sense of *bādirah* is a hasty action, error, but might possibly in the Yemen mean an aggressive act.

34 Goitein, *Jemenica*, 27, no. 138, quotes a proverb, *'Alladhī mā ma'uh 'āqil, 'āqil-uh al-Shayṭān*, He who has no headman, his headman is Satan.' 'In Ṣan'ā' hat jede Strasse der Judenstadt einen *'āqil*.'

35 It was suggested he was, in modern parlance, a sort of *muḥāfiẓ* or mayor.

36 *Farq* is widely used in south Arabia in the sense of apportioning out a tax or levy among those persons liable to contribute to it. Cf. the Jewish silversmiths' agreement (p.239a), and Hikoichi Yajima, *Chronicle*, 34, *al-farq wa-'l-sukhr* (correcting his reading), the latter meaning corvée, in 793/1391. I have heard said, *farraqū qīmat al-'aqā'ir*, they (the tribe) divided out the cost of the animals to be sacrificed (to lay an obligation on some person or group) into portions. This means that each gave his *qisṭ* or share of the cost.

37 This is for the full phrase, *Yā ghārat Allāh* which seems to be derived from the phrase, *aghāra īla banī/bi-banī fulān*, he came to the sons of such a one to aid, succour. *Ghāyat al-amānī*, II, 601, has a verse which speaks of *'ghārat al-Bāriyy 'alay-nā*, the aid of the Creator against us' which the poet says is not slow in coming'. The editor has not properly understood the verse. In fact *Yā ghārat Allāh* is a well known exclamation used in invoking God's (or man's) help. Somewhat similar is the tribal *'Yā ghawthāh*, Help!'
If in Ṣan'ā', you stumble (*quduft*) over, e.g., a projecting stone, you exclaim, *Yā 'Aliyyāh*, or *Yā Muḥammadāh*, or *Ya Fāṭimāh*, or, amongst the Zaydīs, *Yā Khamsatāh*—doubtless the five persons known to the Shī'ah as *Ahl al-Kisā'*.

38 *Jemenica*, 113, no. 810.

39 *Ghayr*, perhaps the active participle *ghā'ir*, but with the sense of *ighārah*. I heard from Qāsim Munaṣṣar the verb, *ghawwar, ḍarab al-ṣawt*, to shout, if attacked, in a loud voice, to neighbouring groups, for help when in danger.

40 Arabic, *yisqūn majra 'l-sayl*.

41 The *'āqil* might also say, *'Lā budd 'alayk kayt*, You must pay so much'. One says, *'Qad faraḍ 'alay-nā kayt*, He has imposed so much on me.'

42 Mohammed Hassan, *Heart of Yemen* (*Qalb al-Yaman*), Baghdad, 1947, 156.

43 In the enclaves in tribal territory known as *hijrah* Sayyids do not pay for protection or share in the common contributions (*gharāmah*) of the tribe for whatever purpose.

At Hodeidah Nazīh[44] found that at eight p.m. the troops played music for half an hour, Turkish tunes, and were replied to by the garrison of the fort. After the songs (*nashīd*) came the beating of the drums, and counter-drumming from the fort, ending in the shout, *Yā Mutawakkilāh*—a salute to the Imām. Then a trumpet blows, people go home, and only troops are allowed in the street.

The watchman (*ḥāris*) does a watch of about half the night, about six hours, then the Shaykh al-Layl says to him, *'Uḏwī lak al-bayt,*[45] Go back home.'

To apprise the people of the curfew (*waqt al-yasak*),[46] about four o'clock at night Arab time (i.e. ten p.m.) nowadays, the watchman must blow his whistle.[47] Meaning that the time of the curfew has sounded; people say, *'Qad ḍarabat al-wurraysah,* The whistle's gone!' As the night-watchman goes on his rounds he shouts, 'Yā 'Alī, yā Muḥammad!' to let his fellow-watchmen know that he is about (*yinabbih khabīr-ah*). Nazīh[48] says that they call out to one another, the *ḥāris* at the *Maqām* of the Imām commencing, followed by the *ḥāris* in the next post to it—thus it goes round until the call comes back to the *Maqām.* Then another phrase is called out which makes the round in the same fashion.

The Shaykh al-Layl and Night-Watchmen

The Markets of Ṣan'ā' maintain a more elaborate system of night-watchmen (*ḥaras/ḥurrās*), headed by the Shaykh al-Layl, than do the Quarters. Nor is this peculiar to Ṣan'ā', for I found a Shaykh al-Layl and watchmen in Yarīm, and both there and in Radā', there are little brick shelters[49] for them on the roofs of the shops in the markets. At Shibām/Kawkabān they maintain these guards as employees, a tax being paid by the shops (*ḥawānīt*) for this purpose. There is even a mud brick shelter for one on the roof of the *extra muros* development of the market. Probably all large towns in the Yemen have the same system. *Qānūn Ṣan'ā'* gives detailed instructions on the collection and apportionment of the watch-tax to maintain the watchmen or on the personnel of the watch to be supplied by a Market. The earliest allusion[50] to watchmen at present known to me is in a justification of the Imām's imposing taxes for specific purposes—in this case al-Mutawakkil, some time before 1066/1655—this does not of course mean that he introduced the night-watch system. Jarmūzī speaks of levies for watchmen for guarding against fire, and (for) the raising of walls and the gates of the streets (*ujrat al-ḥurrās li-ḥifẓ al-ḥarīq wa-naṣb al-durūb wa-abwāb al-sikak*). He cites the Prophet's practice at Medina when he had the defensive trench, al-Khandaq, excavated, imposing a charge to defray the wages of the workmen or labourers on it upon those who did not contribute labour. In *Qānūn Ṣan'ā'* itself in section 2 there is a reference to an original document, *al-Umm,*[51] which dealt with the watch-duties and provision of fleece-lined coats for the watchmen. This document is prior to Document A (Basic) of the early 12th/18th century and might even be *Qānūn al-Mutawakkil*[52] or possibly a separate document on its own.

Qāḍī 'Alī al-Akwa' informed me in 1972 that the Shaykh al-Layl is of the family (*min usrat*) of the Bayt Qaṭṭā', and that the watchmen (*ḥaras*) are also of this group. The Shaykh al-Layl is elected by the Sūq from the Bayt al-Qaṭṭā', and the post held by inheritance within this group. They are thought, but it is not quite certain, to be originally of the tribes of Banī Maṭar who reckon some of the western side—Bustān al-Sulṭān up to the Sā'ilah—to be Banī Maṭar territory. The fee (*marjū'*) of the Shaykh al-Layl today (1972) is 300 *riyāls,* paid by the Baladiyyah—the Municipality—which has taken over this responsibility, to judge by the *Qānūn*, from the Markets themselves, possibly from the time of the foundation of the Baladiyyah by the Turks, but I have no information on this point. It is interesting to learn from 'Alī al-Akwa' that the former President Sallāl's father was not a Shaykh al-Layl as has been alleged, but in fact sold charcoal (*sawd*)[53] though this is a trade with which the *ḥaras* are connected.

The Shaykh of the Police (*al-Shurṭah*) of the *Qānūn* (section 48)[54] looks like a more formal title for the popular and more picturesque term Shaykh al-Layl. The Shaykh al-Layl supervises the watchmen (*yu'aqqib*[55] *'ala 'l-ḥaras*), dividing them between two duties, some to patrol in the Markets and look after the shops, the others to take up posts on the roofs (*ajbī*). On the roofs of the shops throughout the Ṣan'ā' Markets are to be seen small brick cabins (*miḥrās*) in which watchmen are stationed at night. The head watchman (*akbar ḥurrās al-layl*) is posted in a headquarters tower-like brick structure called al-Ṭayramānah[56] situated close to the famous 11th/17th century Samsarah of Muḥammad b. Aḥsan which the tribes looted when they entered Ṣan'ā' in 1948. Until then this Samsarah was the great business centre of the city, so the head watchman would appropriately be stationed here—this watch-tower might even have been established by al-Mutawakkil or his nephew Muḥammad b. al-Ḥasan at the same time as the Samsarah. In his post the head watchman listens to all that is happening in the Market, and if he hears a disturbance anywhere in the market he despatches one of his men to see what is happening.

Certain particulars relating to the Shaykh al-Layl's duties are provided by al-Sayāghī.[57] First he has complete control/jurisdiction (*ṣalāḥiyyah*) during the night only. He must inspect (*tafaqqad*) the shops (*ḥawānīt*) and warehouses (*samāsirat al-tijārah*). He looks to see how each shop door is locked[58] and at the locks (*aqfāl*) for sometimes there are to be found those that have been left unlocked, or upon which padlocks, through forgetfulness, have not been set. It is the duty of the Shaykh al-Layl to lock and padlock them. For this he is entitled to a special fee/fine (*adab*) which he receives from the persons guilty of such carelessness. The Ghuthaymī padlock[59] is still very much in evidence in Ṣan'ā' as also the locally made bolt and the long metal keys for some types of lock.

44 Nazīh, *Riḥlah,* I, 48; cf. II, 59.

45 Rendered as *irja' al bayt.*

46 When in Bayḥān in 1954 I found there was a curfew about the same time in the evening called *band* or *yasaq*, announced by beating of drums. The use of the Turkish word *yasak* might be considerably older than the period of the second occupation of the Yemen by the Ottomans, and the curfew itself may be a very long established institution. Indeed *Masājid Ṣan'ā'*, 40, quotes al-Rāzī, 92, on the care taken by the inhabitants of Ṣan'ā' to keep to their houses when the night-guard (*al-'ass*) was about to begin its patrol. Ibn Rustah, 113, writing about 290/903, tells us that people assemble in the salons of the *faqihs* and others after the time of Night Prayer (*'atamah*) until the time when the drum (*kūs*) set up on Ghumdān is beaten, anyone found outside after that is imprisoned and punished.

47 *Yuwwaris/yūris fi 'l-furraysah/wurraysah.* The whistle is decribed as T shaped. Inside the top horizontal of the T is a bit of ivory (*'āj*), which rattles against the side of the tube, making a noise that issues from the hole at the top of the leg of the T. The police were said to blow their whistles *'min/'alā mayd* (meaning *'alā shān*) *tūqaf*, so as you'll stop.'

48 *Riḥlah,* I, 94. In Radā' each *Ḥāfah* or Quarter has it *'āqil* and the *ḥaras* are under his control.

49 As a security measure in Ṣan'ā' and Bīr al-'Azab the Turks in 1312/1894-5 doubled the building of *maḥārīs* in the lanes and streets, and the lighting of lamps (*fawānīs*), according to *A'immat al-Yaman,* (2), II, 165.

Al-Rāzī, *Tārikh,* 113, mentions a census of the number of houses in Ṣan'ā' for *al-maḥras*, whatever this means in the context.

50 Al-Jarmūzī, *al-Sīrat al-Mutawakkiliyyah,* 446.

51 See p.183b.

52 See p.180b.

53 Aḥmad al-Mu'allimī, *al-Asad al-Kartūn,* Ṣan'ā', 1969, 50, alludes to this addressing Sallāl—*'A-nasita Sūq al-Faḥm,* Have you forgotten the Charcoal Market?'

54 This section of the *Qānūn* is presumably to be considered as belonging to Document A (Basic) of the early 12th/18th century as it is not specifically marked by al-Sayāghī as 'Supplementary'.

55 Syn. *yuraqib-hum.*

56 Cf. Landberg, *Ḥaḍramoût,* 399, *ṭayramah*, a belvedere on the roof of a house like a cabin. Maqrīzī, *al-Sulūk bi-ma'rifat al-mulūk,* ed. Muḥ. Muṣṭafā Ziyādah etc., Cairo, 1939- , I, III, 175, *al-ṭārimah*, a structure for the Sultan to sit in with a domed roof, this at Aleppo in 690/1291. Cf. Dozy, *Supplément.* Persian in origin, this word goes back to the 'Abbāsid period.

57 'Qānūn Ṣan'ā'', *Majallat al-Makhṭūṭāt,* Cairo, 1964, X, 278-9.

58 *Taghliq,* colloquially used for *iqfāl.*

59 See p.226a, n.270.

Al-Sayāghī adds that he has the privilege of dealing (*ṣulḥah*) plus the resultant fee (*ujrah*) in some of the markets, like the fee for settling a deal in charcoal (*ʿāyid ṣulḥat al-sawd*), to which, up to the present date (1964), he is entitled 'and such matters as that, about the particulars of which I came upon no information'. Qāḍī 'Alī al-Akwaʿ informed me that the watchmen (*ḥaras*) nowadays act as porters for goods (*aqlām*).[60]

Qāḍī Ismāʿīl's view is that the *'ḥaras'* mentioned throughout the *Qānūn* are not tribesmen—they carry a stick—which is not considered a tribal weapon in south Arabia, but of course they wear their daggers (*janābī*). He thought there would be a watchman for each Ṣanʿā' market. Administratively, says al-Sayāghī, watch duties (*ḥirāsah*), the organization, posting of the watchmen, execution of their duties, and stipends (*maʿāshāt*) still, today, follow the pattern of the *Qānūn* without governments (*duwal*) interfering with it (the *Qānūn*) except in the way of assistance (*bi-'l-maʿūnah*)—nor do they interfere in the affairs of the Shaykh al-Layl in charge of the watchmen. The watchmen come under the authority of the Shaykh al-Layl and he comes under the governor of Ṣanʿā'.

Al-Sayāghī further suggests that the watch (*ḥirāsah*) arrangements might have been intended to assist the city to govern itself under temporary weaknesses in governments and to place the responsibility for this upon the Mashāyikh and Shaykh al-Mashāyikh of Ṣanʿā'. He takes as cases in point the time of Aḥmad al-Ḥaymī[61] himself and the Shaykh of Ṣanʿā' Muḥsin b. Muʿīḍ[62] (ob. 1298/1881), since both men preserved the city from tribal attacks until the government came and the Imām's authority was affirmed. In view of the necessity for guarding the town against outbreaks of fire which seems to be at least one reason in Mutawakkil's time for maintaining the watch, and because the merchants do not sleep in their shops but live outside the Markets—in the case of the Jews as far away as Qāʿ al-Yahūd, the town must always have needed policing by night in this way. In late 1974 after an outbreak of large robberies in Ṣanʿā' Market some of the proprietors of shops took the precaution of sleeping in them at night for a while, instead of returning to their homes. It seems to me that the *ḥirāsah* arrangements were intended merely for these immediate needs of Ṣanʿā' and other cities of the Yemen.

The Police (*Shurṭah*)

A few casual references in the histories reveal the existence of police (*shurṭah*) in Ṣanʿā' and other towns during the 12th/18th century but nothing is recorded about their organization or responsibilities, or of their relation to the night watchmen or other particulars. One revealing story[63] does however give some indication of how the police operated.

In the days of al-Manṣūr al-Ḥusayn (mid 12th/18th century) a well-known person of Ṣanʿā' was found lying murdered in the streets of Ṣanʿā', so the Imām said to his Chief of Police (Ṣāḥib al-Shurṭah), al-Qubayʿ, that he would inflict a painful punishment upon him if he did not bring him the murderer. Al-Qubayʿ, apprehensive of what might happen to him, went to a Sayyid renowned for his skill in discovering secret hidden things, thefts, and for magic (*shaʿbadhah*)—this latter perhaps better rendered as sleight of hand. Such persons, let it be remarked, practiced for instance in al-Mukallā in our own days and probably still do. This Sayyid certainly had many of the qualities of a confidence trickster! By sheer chance this Sayyid had seen three men with drawn weapons and on learning of the murder from al-Qubayʿ he guessed that they were the guilty persons. So he went through a sort of necromantic performance in front of the *shurṭī*, 'quartering'[64] Ṣanʿā', until he told him that the murder had taken place in the direction of the lane in which he had seen the three men. The policeman, who was one of the shrewdest persons and best informed about malefactors and hidden affairs, remembered there was a woman of the prostitutes there frequented by a group of known wrongdoers. So he hastened to enter the woman's house where he found traces of blood, and he dealt with the men by cunning (*siyāsah*)[65] until they confessed.

This policeman, Muʿīḍ al-Qubayʿ who died in 1163/1750, evidently possessed a personality unusual enough to win him notice in Zabārah's collection of biographies[66]—a unique distinction for a policeman! Among the duties with which he was charged, was to arrest al-Mutawakkil al-Qāsim at 'Amrān, and the billeting of tribes in Ṣanʿā'.

During the second Ottoman occupation of Ṣanʿā', an Arab gendarmerie, the *zaptieh* (*al-Ḍabṭiyyah*)[67] was formed under Turkish officers with its headquarters there. a policeman (*shurṭī*) was called *Qānūn* because of the brass plate he wore on the front of the neck with this engraved on it. Nazīh[68] records that on entering Ṣanʿā' a policeman took away the weapons of our soldiers and 'wrote down our names', for only the troops and guards (*ḥaras*) of Ṣanʿā' are permitted to bear arms in the city. This was also the case in British Aden at one time, and the Dār al-Salab, before al-Maʿallā, retained its name long after weapons had ceased to be held there till the tribesmen left the city again. It was a rule observed probably in most south Arabian cities.

Women caught in adultery, and presumably those guilty of other misdemeanors were taken, and still are, to the women's prison called Bayt al-Zawqabī (the verb *zawqab* means *taqaḥḥab*) near Qaṣr al-Silāḥ—al-Zawqabī is the proper name of a tribesman it is thought—but a woman goaler is in charge of this prison.

60 He understood *aqlām*, sing. *qalam*, to mean *al-band al-wāḥid* or *al-ṣinf al-wāḥid*.

61 Other historians do no give him a good character. 'Abdullāh al-Jirāfī, *al-Muqtaṭaf min tārīkh al-Yaman*, Cairo, 1951, 204, says that the people of Ṣanʿā' made the shaykh Aḥmad b. Aḥmad al-Ḥaymī al-Suwaydī governor (*wallaw*) over themselves from 1269/1852-3, submitting to him though he was not one of those of learning and knowledge (*'ilm wa-maʿrifah*). By 1275/1858-9 they had tired of him and thought of assassinating him but he left Ṣanʿā' hurriedly. Tribesmen caught and sent him to the Imām al-Manṣūr who subsequently imprisoned him in Ṣanʿā'. Zabārah, *A'immah*, (2), II, 301, says al-Manṣūr had considered imprisoning him for debts he owed the people but al-Ḥaymī made propaganda (*istadʿā*) to the common people (*ʿāmmah*) of Ṣanʿā', and ordered them to destroy al-Manṣūr's house in Ḥārat al-Filayḥī—everything in it was then taken. The Ṣanʿā' people made one of the Kibsī Sayyids Qāḍī of Ṣanʿā' calling him Shaykh al-Islām, but he had no power in Ṣanʿā' where al-Ḥaymī had made himself a sort of Caliph. The Revd. Stern who visited Ṣanʿā' in 1856 describes al-Ḥaymī as 'an olive-coloured Arab, in whose lustreless eyes and sunken cheeks vice had stamped her indelible characters!'

62 Al-Jirāfī, op. cit., 205, says that in 1276/1859-60, the Ṣanʿā' people made the shaykh Muḥsin b. 'Alī Muʿīḍ governor over them, which he remained till the Turks arrived. Zabārah, *A'immah* (2), I, 15-6, calls him a trader in *qishr al-bunn*. The people raised him as a shaykh over themselves. He was a man of cunning (*dāhiyah*). He seems to have played at intrigue with the various Imāms who tried to gain control of Ṣanʿā' at this period, which was one of considerable confusion. He enjoyed favour with the Turks after their arrival in Ṣafar 1289/April-May, 1872. He was a member of the Administrative Council (*Majlis al-Idārah*). He is criticized for advising the Turks to imprison the ulema of Ṣanʿā' and notables of Hodeidah and Taʿizz. The Turks imprisoned him in the year 1298/1881 in which he died. They threatened to kill him until some Ṣanʿā' merchants guaranteed that the money the Turkish *vali* had demanded from him would be handed over, amounting up to 40,000 *riyāls*. He was set free but died, and the *vali* Ismāʿīl sent to have some rooms in his house nailed up.

63 *Nashr al-ʿarf*, II, 388. Ibid, II, 72, states that, in the latter half of the 12th/18th century a body of police (*shuraṭ*) abandoned *ḥirāsah* watch-duties at Kawkabān when the granaries (*makhāzin*) became empty and no rations (*kaylāt*) of grain were issued.

64 'Quartering (*tarbīʿ*)', or making squares, is an astrological term (E. Fagnan, *Additions aux dictionnaires arabes*). Cf. Hikoichi Yajima, *Chronicle of the Rasūlid dynasty of Yemen*, Tokyo, 1974, 137, *tarbīʿ al-Mirrikh li-Zuḥal*, etc. *Nashr al-ʿarf*, II, 387, mentions a Kawkabān Sayyid of the 12th/18th century who had 'a strong hand in *'ilm al-falak wa-'stikhrāj al-khabāyā wa-'l-sariqāt wa-'l-shaʿwadhah*', i.e., astronomy/astrology, finding hidden and stolen, and sleight of hand. Ibid, II, 418, relates of a Ṣanʿā' *faqih*, one of the Mashāyikh al-Qurʾān in Jāmiʿ Ṣanʿā', of the Yām tribe, that he looked in a candle and described the place in which a stolen object was.

65 Cf. Dozy, *Supplément*, *'ārif bi- umūr al-siyāsah*, criminaliste.

66 *Nashr al-ʿarf*, II, 752, 358.

67 *A'immat al-Yaman*, (2), II, 264. Cf. W. Harris, *Journey through the Yemen*, p. 288, fig. 15.2

68 *Riḥlah*, I, 93.

Prostitutes are taken there. They used to have their heads shaved and were beaten. Formerly the prostitute used to be paraded in the streets, but this has now been stopped, and people used to revile her—*yushammitū-hā*. Now those in charge try to get them married off, and, for the light dowries asked, people of low account will marry them. In northern Yemen, for matters of prestige, dowries are usually very high, and in Arḥab I recall tribesmen saying there were men who were never able to afford to get married because of poverty, so this may be one reason why it is possible to marry off these women. We made no enquiries into the sensitive question of prostitution, but we did hear that Shāri' al-Maṭīṭ has a reputation for women of this profession, as has Baḥr Rajraj. The street is called Maṭīṭ because this dish used to be on sale there until not long ago—it is what the Badawī calls *zūm/zawm*, boiled curdled milk with a little flour.

Yemeni prisons are sometimes given names that reveal a sort of grim humour; there is al-Zājir at Ibb—the Chider, probably so named after a Qur'ānic verse, the prison of Ḥadā is al-Murdi', the Restrainer—perhaps because it was expected to restrain hotheads and the contumacious, al-Jāniḥ in Sūdah which—although I am not certain—may mean the Coming Down of Night. This may be matched by the notorious prison in the first century of Islam of the days of the governor al-Ḥajjāj, called 'Arim, One who treats with ill-nature, which may have been located in al-Ṭa'if.[69]

Public Proclamations

Proclamations (*ẓāhirah*) used, at least up to fairly recent times, to be made publicly in Ṣan'ā', mostly in the area of Sūq al-Baqar, near Ḥammām al-Sūq, between al-Filayḥī and Jāmi' Ṣan'ā', on the north and south and in the area of Masjid Dāwūd and Masjid al-Shahīdayn, on the east and west. Most of the tribes were to be found round about the Sūq al-Baqar or Cattle Market when they were in Ṣan'ā'. In the city itself a *ẓāhirah* commences with the words, *'Yā man sami'a 'l-ẓāhirah, ṣallū 'alayh'*, 'O you who hear the proclamation, bless him. . . .' This blessing—of the Prophet Muḥammad—is also part of the formula of proclamations in Ḥaḍramawt.[70] In Arḥab the herald is of the *dawshān* category but it seems that a *muzayyin* would beat the drum at proclamations. The tribal formula for summoning a meeting there, is, *'Yiqūl al-qabīlah al-filāniyyah inna-hum yad'ū ba'ḍ al-ba'ḍ li-'l-ijtimā'*, The tribe of so-and-so say that they summon, the one the other to meet.'

Public messages were formerly made by *tanṣīrah* (pl., *tanāṣīr*), by lighting fires in the mountainous districts at, for example, government centres (*al-marākiz al-ḥukūmiyyah*), or they would be lit by the inhabitants. This would be done, to take a case in point, when one wishes to announce the Feast (*i'lān al-'Īd*) and Paolo Costa and I, returning to Ṣan'ā' from Ta'izz in late 1973, came across these fires at the villages along the road. Communications from the Imām used to be by message. At the 'Īd al-Naṣr, commemorating Imām Aḥmad's victorious entry into Ṣan'ā' in 1948, bonfires of *dhurah*-cane (*qaṣab*) were set up on Jabal Nuqum, (*yinaṣṣirū tanṣīr*).

Formerly they would blow the trumpet (*yaḍribū bawrazān*) if the Imām happened to be near, in the street, at quite ordinary times, as indeed I noticed with Sayf al-Islām al-Ḥasan at al-Kitāf in 1964. These were not blown from watchtowers (*dawā'ir al-nuwab*), however. A survival of the use of the *bawrazān* is at the Madrasat al-Aytām, the Orphan School, where it is blown at lunch (*ghadā*). In passing it may be remarked that a *qarawānah* is a big copper pot (*dust*) used as a drum by children or troops.

The Public Parading (tashhīr) *of Offenders against the Law*

A curious Ṣan'ā' custom is the public parading of offenders of certain categories in the streets of the city, and it can be seen, now and then, even at the present day. This is described by Rossi.[71]

> If someone commits adultery (*zinā'*) they seize him (*yishbaḥ-uh*)[72] and take him to the Governor ('Amil). the Governor writes to the Imām, and the Imām orders him to be bound and that they should make the rounds (*yidardaḥū*) with him. The governor (*mudīr*) of the prison fetters him and takes soldiers and a *muzayyin* with him. The (*muzayyin*) puts a drum on him and they beat it. The children call out, 'This year is your year,[73] oh so and so, drag[74] (him), oh man disobedient toyour parents, Jew (*maḥram*),[75] thief (*ḥarāmī*).' They go round all the streets (of the town) with him and conclude by making him enter the prison. Next day they fetter him at Bāb al-Maqām (i.e., the Gate of the Imām's residence) and go round with him as on that day, for three days.

This parading (*dirdāḥ*) as a public example is known as *al-tashhīr* and is intended to make a public example of the offender and is part of the *ta'zīr*, i.e., the punishment lesser than the *ḥadd* punishment which is fixed by statute. The assessing (*taqdīr*) of it is in accordance with the opinion of the *ḥākim* (*yarja' ilā ra'y al-ḥākim*), i.e., the *qāḍī*. Qāḍī Ismā'īl has recorded[76] a proverb, *'Dardaḥū bī 'ala 'l-shawāri' kulli-hā, wa-hādha 'l-shāri' mā 'ādū-sh 'aqabah*, They have paraded me round all the streets, so this (one) street (extra) is no mountain pass (to me after that)!' The Qāḍī says that people mock him as he passes and shout against him in *saj'* (rhyming prose), appropriate to his offence. On such occasions as I have seen an offender paraded in this way, accompanied by a soldier with a loud hailer, it seemed to me that the people in the streets paid little or no attention to the prisoner. Al-Kirmilī[77] thinks the offender is usually a drunk, and the parading takes place after a whipping, while Nazīh[78] saw children following the parade of a drunk at Hodeidah, mocking him with shouts of *Bakh bakh yā shārib al-khamr*.

The public parading of the thief (*sāriq*) and fornicator (*zānī*) is also known as *ḥūmār* (the action being *ḥawmarah*), but this is quite different from a political parading (*dirdāḥ siyāsī*) of the sort which Sayyid Aḥmad al-Shāmī[79] and his companions underwent after the failure of the Wazīr house bid for power in 1948 and the assassination of Imām Yaḥyā. They wore a wooden handcuff and were subjected to the abuse of the Ṣan'ā' mob.

Billeting Tribes in the Houses of Ṣan'ā' Townsfolk

One of the oppressive acts of his predecessors which were removed by the Ottoman Governor, Murād Pasha, (who left the Yemen in 988/1580) was the stopping of Turkish troops staying in the houses of Ṣan'ā' by force.[80] The Qaṣr of Ṣan'ā' indeed looks large enough to accommodate considerable numbers of men, but, during the second Ottoman occupation, the 'Urḍī, a series of large barracks, was constructed south of the town, and

69 Al-Mubarrad, *al-Kāmil*, Cairo, 1937-56, 935 *passim*.
70 Cf. *South Arabian hunt*, London, 1975, 29, 73, *passim*.
71 *L'Arabo parlato*, 92, with some slips.
72 Imperative, *ishbaḥ*, catch!
73 Reading *sanah* for *sannah*. It means *sanat al-ḥukm*, the year of judgement, in which your scandalous act (*faḍīḥah*) has become known.
74 *Jirr* = *isḥab-ah*, in the sense of 'take'.
75 *Miḥrām* is said of the Yahūd, but it seems to mean there a great man of religion (*kabīr mutadayyin*).
76 Unpublished.
77 in notes to his edition of al-'Arshī, *Bulūgh al-marām*, 422.
78 *Riḥlah*, I, 28.
79 Cf. his article 'Yemeni literature in Ḥajjah prisons', *Arabian Studies*, Cambridge-London, 1975, II, 42, with photograph.
80 *Ghāyat al-amānī*, II, 756.

these remain in full occupation by Yemeni troops today.

In the second quarter of the 12th/18th century however, during the reigns of the Imāms al-Mutawakkil Qāsim and his son al-Manṣūr, the tribes of Ḥāshid and Bakīl used to lodge in houses of the townsfolk of Ṣan'ā' in which they were directed (*yuṣrafūn*)[81] to stay.[82] Zabārah[83] says that when troops (*ajnād*) arrived certain houses were assigned for them in which to dwell and they used to crowd the people of the house. In the Yemen the troops were, and can still be, tribal contingents summoned by an Imām or Government, and just as visitors to a tribal district stay in the house of the local *muzayyin* so, by extension, the tribesmen might perhaps be billetted on citizens of Ṣan'ā'.

This practice drew a protest—part of a long list[84] of representations against the administrative practices of the ruling house—from the famous scholar Muḥammad b. Ismā'īl al-Amīr in Shahārah,in a letter to al-Manṣūr al-Ḥusayn b. al-Mutawakkil in the year 1146/1733. This he had endorsed with the signatures (*'alāmāt*) of the ulema of Shahārah, Ḥūth and Ṣa'dah, and sent to the ulema of Ṣan'ā' who approved it and presented it to al-Manṣūr.

The billeting was not however abandoned until the accession of al-Mahdī 'Abbās in 1161/1748 along with other abuses.[85] 'He removed (compulsory) carriage[86] (of goods) imposed on the people, it being levied (*yufraq*) on the merchants, a group of them having been compelled (to go with) the troops, and he prohibited the commandeering of camels (*sukhrat al-jimāl*), removing part of the offences (*jināyāt*) against the people.' Al-Mahdī[87] is stated to have been moved to take this measure by a sight he had witnessed in the days of the Imām al-Manṣūr when al-Qubay'ī's policemen were ejecting a woman from her house near Masjid al-Jadīd[88] in Ṣan'ā'. The woman had just given birth and had with her a baby boy in a cloth and was crying at the top of her voice, weeping at being put out of her house. Al-Mahdī went to al-Qubay'ī's policemen at the door of the woman's house to beat them, turned out those of them who had entered the house and returned its inmates to it. Al-Mahdī 'Abbās then went to inform his father, the Imām al-Manṣūr, who approved his action saying that he did not assent to such things as that. It is interesting however that al-Qubay'ī maintained that only houses about which there was some 'suspicion (*rībah*)' were commandeered for billeting.

> When al-Mahdī took over the Caliphate he prohibited the billeting of the tribes on the houses of the people of Ṣan'ā'.[89] So the headmen (*'uqqāl*) of Ḥāshid and Bakīl bought houses in Ṣan'ā' for themselves, and mosques in Ṣan'ā' abandoned, which were many, were turned over[90] to the other tribes arriving in Ṣan'ā'. If, on account of the multitude of tribes conditions made it necessary, they were lodged in Masjid 'Aqīl and al-Madhhab, etc.

81 The word *ṣaraf* employed was explained to me by Qādī Ismā'īl as *khaṭṭaṭūhum 'alā buyūt al-ahl*. The *takhṭīṭ* or billeting of soldiers upon peasants in Shāfi'ī Yemen when collecting taxes was a sore cause of discontent under the Ḥamīd al-Dīn.
The tribesmen billeted in Ṣan'ā' did not enter the houses of the great ulema, but only those of humble folk (*masākīn*) and the merchants (*tujjār*).

82 *Nashr al-'arf*, II, 753.

83 Ibid, II, 8.

84 *Nashr al-'arf*, I, 600. This included the imposition of *mukūs* and *majābī*, customs and duties, *iqṭā'āt* given some 'Alawī Saiyids or rich persons, the appointment of ignorant *'āmils* and *ḥākims*, abuse of the *waqfs* by neglectful persons, *al-darāhim al-maḍrūbah*—coined dirhams, an obscure reference, and the arrogance of the Jews.

85 Ibid, II, 8.

86 *Aswāq*, sing. *sawq*, explained as *yalzam-ak al-sawq*, the obligation upon you to take goods from one place to another (*naql al-ashyā' min makān ilā makān*). The temporary commandeering of animals for transport was Government practice under the Ḥamīd al-Dīn, and of motor vehicles under the Republic.

87 *Nashr al-'arf*, II, 753.

88 Cf. *Masājid Ṣan'ā'*, 41.

89 *Ṣarf al-qabā'il ilā buyūt ahl Ṣan'ā'*.

90 *Ṣurifat lahum al-masājid al-mahjūrah*.

91 A. Z. al-'Abidīn, *The role of Islam*, op. cit., 217.

Waqf (Endowment)

Waqf (pl. *awqāf*) is a term referring to property endowed permanently for a religious or charitable purpose.[91] Al-Murtaḍā defines it as *al-taḥbīs li-'llāh*, i.e., its real owner is Allāh.[92] The specific purpose for which *waqf* is donated is termed *maṣraf* or usufruct. *Waqf* property cannot be transferred, sold or mortgaged except in rare cases. The usufruct if specified by a donor can only be altered if a preponderant weal/interest (*maṣlaḥah*) requires. *Waqf* pays no tax except *zakāt* which is deducted before the income is shared among the beneficiaries. Some two thirds of Ṣan'ā' is *waqf* of one category or another, and baths and *samsarahs* almost invariably so, as are many shops. It is therefore important to understand why so much of the city properties are held in this way. On putting this question to Ḥusayn al-'Amrī he suggested that in the case of a family *waqf* (*waqf al-dhurriyyah*) the family would benefit from the income of land which could not be divided or sold, and the heirs would not be able to waste their substance.[93] Pious persons did of course donate *waqfs* for religious reasons, but a further reason was that it safe-guarded the *waqfs* from being taken away from the family.

Dr. al-Ṭayyib Zayn al-'Ābidīn[94] distinguishes five general types of *waqf*,

1 *Al-Waqf al-dākhilī* (The Internal *Waqf*) and *waqf al-ṣawāfī*.[95] The entire income of this category of *waqf* is devoted to maintaining existing mosques or building new ones, and forms the bulk of the revenue of the present day Ministry of Awqāf.
2 *Al-Waqf al-khārijī* (The External *Waqf*). This is controlled by a member of the donor's family, the Ministry nowadays supervising to ensure that the beneficiaries receive their rightful shares. The Ministry receives five per cent and the remainder is distributed among the donor's relatives in accordance with the distribution laid down by the *sharī'ah* for inheritance.
3 *Waqf al-waṣiyy* (The Trustee's *Waqf*). No part of it is given to the Awqāf but the donor specifies a particular pious activity, usually a mosque, to be maintained. The rest of the income is distributed among the relatives according to the law of inheritance. The Ministry hardly interferes in this *waqf;* it is controlled by a trustee, *waṣiyy*, usually the eldest member of the family, named by the donor. The Awqāf appoints a supervisor to keep a registry of the land and to settle cases of dispute, for which he receives two and a half per cent of the income. Through this and the preceding *waqf* some tribes attempt to exclude women from inheritance[96] by dedicating the *waqf* to their male descendants. Imām Yaḥyā, and later the Ministry of Justice, ruled against the validity of such an arrangement.'
4 *Al-Waqf al-muthallath* (The Three (tenths) *Waqf*). 'It derives its title from the fact that three tenths of its income is paid to

92 *Al-Baḥr al-zakhkhār*, IV, 155.

93 This is identical with H. A. B. Rivlin, *The agricultural policy of Muḥammad 'Alī in Egypt*, Cambridge, Mass., 1961, 33, 'By the establishment of *ahlī* (family) endowments, the donors safeguarded their sources of revenue for themselves and their heirs from the rapacity of the ruling class. Furthermore they also prevented the dissipation of the family's wealth by extravagant heirs.'

94 Op. cit., 218.

95 The *ṣāfiyah* as an institution in the Yemen requires much more detailed investigation. The Ṣāfiyah south of Ṣan'ā' is said by al-Rāzī, op. cit., 133, to be Al-Dīnabādh and Ghayl 'Alīb (read 'Alīb ?), the former having belonged to the Persian Bādhān, and 'Umar made it a *ṣāfiyah* (*aṣfā*) as Bādhān died without a son. I am inclined to suggest that the *Ṣāfiyah* of Ṣan'ā' may have been Beeston's 'army lands' but there is no evidence for this. The 'Amrī family made the Ṣan'ā' Ṣāfiyah a *waqf* but receive something for administering it. Ṣāfiyahs are sometimes held by Sayyids or Mashāyikh. It was described to me in 1966 as land hired out by the Imām and worked by Bedu who pay him up to an *'ushr* apart from the ordinary *'ushūr*-tithes which they also pay. A *ṣāfiyah* is land originally developed by someone and held by his family.

96 On women and inheritance see Martha Mundy, 'Notes on women's inheritance in highland Yemen', *Arabian Studies*, 1979, V, 161, seq. For views of 12th/18th century ulema on women's lack of perception (*idrāk*), ignorance and inexperience in matters of property see *Nashr al-'arf*, II, 787.

the State, one tenth as *zakāt* and two tenths for the Awqāf to use for some religious function. The lands of this *waqf* are transferable by sale if the new owner accepts that he should honour the previous arrangement and on the understanding that he has bought only the utility of the land.'

5 *Muthallath al-Ḥaramayn* (The Three (tenths) of the Holy Cities). This resembles the previous type, except that two tenths go to Mecca and Medina instead of to the Yemen Awqāf.

The income of the Ṣan'ā' district (*liwā'*), at Yemeni *riyāls* 1,933,912 in 1972-73, was five times that of Hodeidah.[97] There are of course *waqfs* outside the city in the countryside, the income of which goes towards maintaining certain Ṣan'ā' mosques.

Ḥusayn al-'Amrī writes[98] as follows on the issue of the validity of a *waqf*.

> The donor of *waqf* (*al-wāqif*) may adopt more than one way of making his *waqf*. This has led the ulema of the Yemen, like other Muslim ulema, to form independent judgements (*yajtahidūna*) over cases (*qaḍāyā*) of *waqf* and the rendering *waqf*-donations (*waqfiyyah*) inalienable in such as lands and houses for the good of those benefitting by them, or for the objects for which they have been constituted *waqf*. Stipulations for the validity of the *waqf* fall into three categories—those relating to the actual property donated as *waqf* (*al-'ayn al-mawqūfah*), and those relating to the disposal of the income of the *waqf* (*al-maṣraf*).
>
> The ulema are in consensus of opinion that the stipulations relating to the *waqf* donor are five—that he be an adult (*taklif*), a Muslim, (donating of) free will (*ikhtiyār*), of his private possession (*milk*), and that he renounce the right of disposal (*iṭlāq al-taṣarruf*).
>
> The stipulation relating to the property donated as *waqf* (*al-'ayn al-mawqūfah*) is the validity of enjoying the usufruct while the property donated remains intact in perpetuity (*ṣiḥḥat al-intifā' bi-hi ma'a baqā' 'ayni-hi*). *Waqf* of consumables like gold and silver coin, food, etc., is invalid.
>
> With regard to the third and last stipulation which concerns the disposal (*al-maṣraf*) of the income of the *waqf*, the ulema are agreed that it is invalid to create a *waqf* which includes [injunctions as to how] its income is to be spent—except in one of two instances—one of which is that the usufruct be restricted to the beneficiaries and (defining) what the share of each of them is. The second (instance) in which [the aforesaid injunction] is valid, even though no restriction be made, but the donor of the *waqf* mentions it, is by inserting/ensuring the relationship[99] (? *muḍammin-an li-'l-qarābah*) with such words as 'for the *fuqarā''*, of 'the women' or 'the sick' . . . etc. Subsequently they exercise independent judgement (*yajtahidūna*) with regard to many details connected with the relatives and the ways in which the income is to be disposed of (*al-maṣraf*) as the donor of the *waqf* has defined.
>
> Many differences used to arise about certain endowments (*waqfiyyāt*) that fathers would donate as *waqf* and heritors after them would plead to be invalid. The identical matter would occur when certain rulers or amīrs sequestrated lands of their foes and donated them as *waqf*. Or some of them would attempt to release *waqf* land in a certain area and take it in exchange for, or substitute, (land) in some other place. There were many such occurrences, the best known of which is perhaps the memorandum (*risālah*) of the celebrated Muḥammad b. Ismā'īl al-Amīr[100] to Imām al-Mahdī 'Abbās in Dhu 'l-Ḥijjah 1180/May 1767 on hearing of the Imām's venturing to purchase the *waqf* properites in Wādī Shu'ūb, north of Ṣan'ā', by commutative contract (*mu'āwaḍah*).[101] What concerns us here is that the *waqf* stipulations aforementioned are fundamental (*asāsiyyah*) and that any of them requiring proof should be settled and proven according to *fiqh* and *sharī'ah*-law. This matter was, indeed still is, a field of enquiry and controversy for any person who has an interest (*maṣlaḥah*) in a *waqf* case, or desires to create a *waqf* for some charitable benefaction or public weal.
>
> *The types of waqfiyyah in the Yemen*
>
> 1 *Masājid* and *Jawāmi'* mosque *waqfs*.
> 2 *Waqfs* for ulema, students (*muta'allimūn*), schools.
> 3 *Waqfs* for the sick, especially the lepers and insane. This has developed to be applied to hospitals and sanatoria.
> 4 *Waqf* for one's descendants (*dhurriyyah*).
> 5 *Waqf* to maintain wells (*subul*), drinking troughs for animals (*buruk*), roads (*ṭuruqāt*) and *khāns* for travellers and their beasts.
> 6 Public baths are usually *waqf* property belonging to *jawāmi'*.
> 7 *Waqfs* for sick or infirm animals.
>
> His Eminence, Qāḍī Muḥammad b. Luṭf al-Ṣabāḥī, the Minister of Awqāf, informs me that in the town of Ibb there was a *waqf* to fit out (*tajhīz*) (with clothes, household goods, etc.) poor bachelors at their time of wedding. This *waqf* was named after a person called al-Nihimī, a settler (*naqīlah*) in Ibb but it came to an end in 1962.
>
> Many *waqfs* have vanished without trace, but some new *waqfs* have been instituted, as, for example, what are called cemetery *waqfs* (*waqf al-turab*) which might be to provide for the cleansing of the tomb of the Imām So-and-So, or provision of incense (*bakhūr*) and the like. Many *waqfiyyahs* were for graves or large *mashhads* where persons were buried whose intercession with God people would seek. The most notable of these was the tomb of Aḥmad b. 'Alwān al-Ṣūfī[102] which Imām Aḥmad, when heir-apparent and Amīr Liwā' Ta'izz, demolished, sequestrating its *awqāf* and the like for al-Madrasat al-'Ilmiyyah in Ṣan'ā' which his father founded in 1344/1925-6. He considered the practices attached to the tomb a heresy/innovation (*bid'ah*) rejected by the Zaydī and many other schools.
>
> Another new kind of *waqf* is that made by way of a public utility by one of the notable Ṣan'ā' merchants, al-Ḥājj Aḥmad b. Muḥammad al-Sinaydār—a wide building site (*arḍiyyah*) near the south wall of the city where al-Ghayl al-Aswad passes under it. He walled round a place for men and another for women to launder clothes for the people of Ṣan'ā', drawing water for this purpose from the Ghayl—ordinary people washed clothes at the *ghayls*. Al-Ghayl al-Aswad however dried up a few years ago.[103]

When a *waqf* is sold half of the price of the land constituting the *waqf* (*qīmat 'ayn al-arḍ*) is paid to the Waqf, and the other half divided between 'the hand (*al-yad*), i.e. the owner(s) by inheritance (*wirāthah*) of the entitlement to the *waqf* (*aḥaqqiyyat al-waqf*) and *al-shakhṣiyyah*, i.e., the cultivator or the *qabīlī* in return for the work which he has carried out (*muqābil al-'amal alladhī qāma bi-h*).'

The term *ṣāfiyah* (pl., *ṣawāfī*) has a long history, but in past time an Imām would, in his capacity as Imām to do so, take over *waqf* properties of, for example, a ruined mosque, and any such cases where the income was not being or could not be properly applied, and make a property of his own out of them, a

97 *The role of Islam*, op. cit., 221.
98 He mainly bases himself on Abu 'l-Ḥasan 'Abdullāh b. Miftāḥ, *al-Muntaza' min al-Ghayth al-midrār li-kamā'im al-Azhār*, Cairo, 1938, III, 458-63.
99 This phrase seems to mean the relationship of the expending of the *waqf* income to certain people.
100 *Nashr al-'arf*, II, 8.
101 See p.85b, n.155.
102 Ob. 665/1267. His biography is in al-Sharjī, *Ṭabaqāt al-khawāṣṣ*, Cairo, 1903, 19-21. *Ghāyat al-amānī*, II, 806, records Ottoman benefactions to it.
103 See pp.236-26a.

ṣāfiyah.[104] Some of the *ṣawāfī* now administered along with al-Waqf al-Dākhilī would be lands belonging to the Ḥamīd al-Dīn house, sequestrated after 1962. Zabārah[105] writing of the second Ottoman occupation calls the *ṣawāfī* the estates/lands of the Treasury (*ḍiyā' Bayt al-Māl*) and complains that they were appropriated by the Turks. The Bayt al-Māl always had properties of its own known as Amlāk al-Dawlah.

The Jāmi' Mosque contains a document of the highest importance for the history of Ṣan'ā', the register, usually called *Miswaddat Sinān,* of the Turkish Pasha of the first Ottoman occupation (1013-16/1604-07). 'He it was', says Yaḥyā b. al-Ḥusayn,[106] 'who compiled a comprehensive roll (*daftar jāmi'*) of the *waqfs* of Ṣan'ā', and commanded the *qāḍīs* to rule on its validity—which they did. He appointed a number of the ulema to bear witness to this roll, including the very learned Sayyid Muḥammad b. 'Izz al-Dīn al-Mu'ayyadī and others. One of his merits was his refraining from [taking from the income of] the *waqfs* and his respect for the people [managing them]—to the extent that he went from Ṣan'ā' leaving 9,000 [gold pieces] in the Qubbah-dome (see pl. 18.10) of the Jāmi' that he had built to hold its revenues (*amwāl*), entrusting this to the Mashāyikh of Ṣan'ā', Āl 'Aṭiyyah, and strictly impressing on them that they conserve this (money) for the utilities (*maṣāliḥ*) of the Jāmi' and other mosques.' In December 1973 I saw the *Miswaddat Sinān*[107] in the Chancellery of the Jāmi', the Qubbah, which contains only modern furniture and steel cupboards. It is a long, narrow but thick volume nicely bound in probably contemporary plum-coloured leather with an embossed design in the middle of the covers. The paper is polished yellow-brown or buff colour and the writing beautiful and clear to read.

Of Qāḍī 'Abdullāh al-'Arāsī (ob. 1187/1773), Zabārah[108] notes that 'all the *awqāf* of the Yemen were brought under him and he administered them well, dealing with them all in accordance with the *miswaddāt*—this did not happen with anyone before him.'[109] A small incident in the chequered history of the *awqāf* is that when Sayyid Muḥammad b. Ḥasan Ḥaṭabah (ob. 1305/1887-8) was in charge of them he lowered the stipends (*muqarrarāt*) of some of those holding office or working for the Waqf (*ahl al-waẓā'if wa-a'māl al-Waqf*) and made this a return (*marjū'*) for the Bayt al-Māl (Treasury of the Waqf ?). A ruefully humorous verse by a *faqīh* expresses the feelings of the employees:[110]

> No man speaks well of the Waqf since the Shaykh [took charge].
> O pity on the Waqf, the workers (there) and the students.
> It has been productive of neither grain nor grapes
> Since they planted a lump of firewood (Ḥaṭabah) in its land.

The Turks of the second Ottoman occupation considered the Awqāf of sufficient prominence that a *qāḍī*, Abu 'l-Dardā', in charge of al-Awqāf al-Khārijiyyah should attend the weekly meetings of the Administrative Council in Ṣan'ā', it being the custom that the Nāẓir attend with other members.[111] Zabārah adds that 'one of the regulations (*qawānīn*) of the Turkish Government was that the Muftī should attend the Administrative Council of the vilayet (Majlis Idārat al-Wilāyah) held on Mondays and Thursday every week, and the Judge (Ḥākim) of the Ḥanafiyyah, the Muftī, the Inspector of al-Awqāf al-Khārijiyyah, the Daftardār (Financial Secretary) and Maktūbjī (Chief Secretary of the Province) and other members elected by the notables (*dhawāt*) of the country should attend under the presidency of the Governor (Wāli 'l-Ḥukūmah) to review certain affairs of the vilayet.'[112]

What may be the earliest known *waqf* case in Ṣan'ā' has been published by Muḥammad al-Akwa' from an anonymous history.[113] A certain Aḥmad b. Muḥammad b. Ma'ād of Ṣan'ā' came to the 'Abbāsid Caliph al-Musta'īn (248-52/862-66) at Baghdad, stating that his ancestor Ma'ād b. Kathīr al-Shaṭbī had founded a *waqf* known as Ma'ād's Garden (*ḥaẓīrah*) and Vines (*a'nāb*), along with two *ghayls* irrigating them in Mikhlāf Dhī Ujrah[114] and Khawlān at D b rah, 'for his children and their children as long as they beget and for a mosque[115] and *siqāyah* which he had built in the city of Ṣan'ā', and for the poor (*al-fuqarā' wa-'l-masākin*) if (their line) became extinct.' He made the manager (*waliyy*) and the administrator of it (*al-qā'im li-'amārati-hi*) a son of his called 'Abdullāh b. Ma'ād. Three individuals took the property from him by force and attempted to annul it and convert it from its purpose. 'Abdullāh took the case to the famous *qāḍī* of the 'Abbāsid Caliph al-Rashīd in Ṣan'ā', Muṭarrif b. Māzin, who decided the case in favour of 'its people and the mosque ad *siyāqah*, which were to receive the half and eighth of it, and he assigned the remainder outright to the heritors of Ma'ād b. Kathīr according to what they had inherited from him, confirming 'Abdullāh as *waliyy* and registering this in a register (*sijill*) which he caused people of probity to witness.'

After 'Abdullāh b. Ma'ād's death the property was again seized by force, the judge's decision rejected and the maintenance of the mosque and *siqāyah* neglected till they fell to ruin. The Caliph wrote requesting that the matter be looked into and settled in a letter dated 249/863. In the document written by Muṭarrif b. Māzin the bequest (*tarkah*) of Ma'ād was recorded as 1450 1/6 dinars 32 dirhams in coin (*'ayn*), and the value of the two *ghayls* as 6356 2/3 dinars.

As'ad b. Abī Yu'fir,[116] in 332/944, 'for the maintenance (*'amārah*) of the Jāmi' (of Ṣan'ā') bestowed it (*taṣaddaqa bi-hi*) from the walled garden (*ḥaẓīrah*) of Shāhirah and Ghayl al-Rīshah in Ḍula' [Hamdān] of that which had come under division before his death and which he had bestowed, and he wrote the writing concerning it containing his ordering it in his life-time, added to what is provided of the yield (*ghallah*) of that, for its [the Jāmi''s] maintenance and the maintenance of that which comes within the same category, for looking after (*tafaqqud*) the mosque, a thousand dinars, and that is ten thousand dinars.' As'ad's will also included a thousand dinars for the heirs of the Zaydī Imām al-Nāṣir (ob. 325/937) and the rest of the 'Alawīs—the text seems to say that the heirs of al-Nāṣir who are house-bound and receive no support are intended.

104 See, e.g. Abū Yūsuf in A. Ben Shemesh, *Taxation in Islam*, Leiden, 1965, II, 35-6.
105 *A'immat al-Yaman*, (2), I, 30.
106 *Ghāyat al-amānī*, II, 792.
107 Sinān's list seems to cover mosque *waqfs* of the Yemen in general—there is also an important list of Zabīd *waqfs*.
108 *Nashr al-'arf*, II, 152.
109 Ibid, II, 401, notes that honest Muḥsin b. al-Mutawakkil Ismā'īl held back from the *awqāf* and took only a little (*al-yasīr*), keeping the mosques maintained. Al-Ṭayyib, op. cit., 222, quotes the Yemen proverb, *Yā Allāh jār-ak min ghubār al-waqf*, God save you from taking the dust of the *waqf*, as an example of Yemeni sentiment about the dreadfulness of mishandling *waqf* property, but this seems more like theory than practice as there has been so much corruption. Cf. *Al-Amthāl al-Yamāniyah*, I, 253, no. 713, for a similar proverb.
110 Ibid, II, 157.
111 *A'immat al-Yaman*, (2), I, 42. In 1316/1898-9 the Governor of the Yemen ordered Sayyid 'Alī Muṭā' al-Ṣan'ānī to be deposed from the inspectorship of al-Awqāf al-Dākhiliyyah, and the Ṣan'ā' ulema to chose another to fill the office, and (ibid, (2), II, 278) in the same year is recorded the death of Zayd al-Kibsī whom Aḥmad Fayḍī had deposed from the inspectorship of al-Waqf al-Khārijī, but who later took charge of the Store (*Mikhzān*), probably that which Costa and I visited in early 1975, in the old city. *Nashr al-'arf*, I, 142, says the secretaryship (*kitābāt al-Awqāf*) was in the hands of the Abu 'l-Rijāl family from 1191-1357/1777-1938.
112 Ibid, (2), II, 215.
113 *Al-Wathā'iq al-siyāsiyyah al-Yamaniyyah*, Baghdad, 1396/1976, 246, seq.
114 Al-Hamdānī's Mikhlāf Dhī Jurah, now called Bilād al-Rūs and Sinḥān. D b rah is stated by al-Akwa' to be a ruin.
115 Masjid Ma'ād is given a brief notice in *Masājid*, 114, which does not know this piece of history, but reports it was founded by Bayt Ma'ād now in Hamdān.
116 *Al-Wathā'iq*, op. cit., 258 *seq.* The text is not easy to understand and may have misprints or incorrect readings. Regarding the figures at the end one can only speculate that the thousand dinars is the income and the ten thousand the value of the estate.

Among the documents embodying *qāḍīs'* decisions in the type of case known as *mu'āmalāt*, transactions, al-Akwa'[117] reproduces that of a shop of which a charitable gift has been made (*ḥānūt ṣadaqah*) in the market known as Sūq al-Kharrāzīn,[118] i.e., the Workers in Leather, the income of which is paid to the mosque known as Ya'la 'l-Sammān (the Oil-seller), then as Masjid al-Hindī, and to the *siqāyah* at 'Alib and the house (*dār*) in Zuqāq al-Ṣulūl[119]—this house was a *waqf* for the Muslim poor of Ṣan'ā'. The *qāḍī* of Ṣan'ā', in 317/929, decided that this property delimited in the *sijill* before him was *waqf*. 'Alib is clearly the *ghayl* discussed already (p.20a) which therefore must still have been in use at this time.

A document dated Rabī' I, 766/December, 1364, is quoted by Zabārah[120] from the text in the Dā'irat al-Awqāf. It confirms a *waqf* first made by an amīr of Ṣan'ā', one of the Ḥamzah Sayyids of the Jawf, 'Abdullāh b. 'Alī b. Dāwūd, and is drawn up by the Ḥākim of Ṣan'ā' at a later time and witnessed by fourteen men of probity (*'udūl*).

The donation was

> the whole of the village, in ruins at the time, known as Qaryat 'Aṣir, with all its upper *ghayl* known as Ghayl 'Aṣir and the lower (*ghayl*) known as Saba' by name, all its three wells, all the farms (*ḍiyā'*) and arable lands (*aṭyān muzdari'ah*) in the domain (*ḍay'ah*) that has been mentioned and the rest of the estate (*'aqār*), and the whole of its tillage (*ḥarth*), all of it adjacent part to part, formerly commonly known as al-N s bah,[121] al-Shādharwān the *waqf* now mentioned, this being at Jabal 'Aṣir and its courses (*masāqiṭ*) in the direction of al-Sinaynāt and al-Sawād, all west of the city of Ṣan'ā', the bounds of that being continuous, to the north of it the fields (*awṭān*)[122] of al-Sinaynāt, to the east of it land known as Aḥwar and al-Jabā'ib draining into it, and Ghayl al-Rabī'ī and the land known as al-S rāqāt adjoining it and to the south of it, in the hands of the amīrs 'Iyāl Ḥimyar, and the mountains which drain into it and west of it, in the hands of 'Iyāl Ḥimyar and their associates (*khulaṭā'*)[123] and the stepped declivities (*maqālib*)[124] of the flood from the western part (*maghrabah*) of 'Aṣir and the (mountain)-sides (*'awāriḍ*) draining into that, and that part of Maḥjar al-Furs (Prohibited Pasture of the Persians) adjacent to it in the hands of the heritors of the Sayyid the learned Imām Yaḥyā b. Muḥammad al-Sirājī.

'Abdullāh b. Dāwūd laid down the condition that

> from the beginning of the revenues/returns (*ghallah*) maintenance of its fixtures (*'amārat uṣūli-hā*)[125] should be commenced, and its *ghayl* and wells made to yield abundance of water, and whatever is requiring of repair, maintenance and looking after, and any surplus revenue (*ghallah*) from it after all that in any year is to be expected (*ṣurifa*) in thirds equally (apportioned).
>
> A third is for the poor Sayyids (*ḍu'ūf al-Ashrāf al-Fāṭimiyyīn*) and the other two thirds to provide means of subsistence (*ṭu'am*) at Masjid al-Jāmi' in the city of Ṣan'ā'; one of these two thirds is for the ulema, students (*muta'allimūn*), those who instruct and those who learn (*al-mufīdūn wa-'l-mustafidūn*), permanently at the afore-said Jāmi', by teaching reading/recital (*iqrā'*) of the Qur'ān and reading (*qirā'ah*) in the afore-said Jāmi'. The remaining third is for those wayfarers who come to the afore-said Jāmi', each wayfarer to have supper or lunch (*'ashā' aw ghadā'*). Any surplus from this last third is to be spent on the needy of the city aforesaid, and to (*ilā*) those learned people who go to 'Aṣir village to teach reading and read the Qur'ān, as the person in charge (*al-mutawallī*) thinks appropriate. He assigned the charge (*walāyah*) and overseeing of all this to the *qā'im* (person in charge) of the afore-said mosque and its properties (*amlāk*), one of the virtuous Muslims in the afore-said city who have charge of the affairs of the religion.

Dr. al-Ṭayyib Zayn al-'Ābidīn[126] notes that the official estimate of the *waqf*-land is between fifteen to twenty per cent of all the agricultural land in the country. 'An optimistic estimate is that seventy per cent of the agricultural land surrounding Ṣan'ā' is *waqf*. Since *waqf* is not transferable and continues to grow by additional endowments it is not surprising that al-Awqāf has become the biggest landowner in the country.'

Taxation

General

The history of taxation during the earliest centuries of the Islamic state is still full of problems to resolve, since the Arab administrators of conquered countries merely adopted already existing systems, then took *ad hoc* measures to deal with new situations and crises requiring a decision. The formulation of an Islamic theory of taxation, commencing even in the first Islamic century, but undergoing its most formative period under the early 'Abbāsids in Iraq, may be at variance with actual administrative practice even outside the main centres of Iraq itself. To understand ancient Islamic taxation in its fullest application it seems to the writer that a knowledge of the land and customary law of irrigation as they remain today are vital, but a knowledge of the latter is rarely devoted to illuminating the former.[127]

The history of Islamic taxation in the Yemen should properly commence with a study of the pre-Islamic data provided by the ancient South Arabian inscriptions in 'Ḥimyar' characters. Then both Zaydī and Yemeni Shāfi'ī legal works must be surveyed in conjunction with the writings of the Yemeni historians. For the limited objective of attempting to ascertain how Ṣan'ā' was taxed during the Islamic era so detailed a study is manifestly impractical and this sketch merely touches upon such issues as have attracted the attention of the historians consulted, and mainly then, the Zaydī historians.

A government controlling the southern Yemen, i.e., the Shāfi'ī districts with the ports of Aden, Mocha and Zabīd—the prosperity of each in relation to the other varying with current political circumstance—enjoys a favoured economic situation. Customs duties[128] collected from foreign shipping, the revenue from which was carried to the southern capital Ta'izz four times a year with great pomp and ceremony[129] was doubtless less unpopular by far as a form of taxation than agricultural taxes collected directly from peasant villages. The Shāfi'ī Lower Yemen is not only reckoned much richer in agricultural lands than the north and the dry Mashriq with usually poor rainfall, but taxation is much easier to collect from the more docile Shāfi'ī population.

117 Ibid, 267.
118 Perhaps the same as the Sandal and Shoemakers' Market of *Qānūn Ṣan'ā'*, section 34.
119 'The Lane of the Paving Stones'?
120 *A'immat al-Yaman*, (2), II, 289 *seq.* The donor is said, in the formula of the document to have *' waqafa wa-ḥabasa wa-sabbala wa-taṣaddaqa '.*
121 Transaction uncertain—if one reads it as *bi-'l-nisbah*, it might mean that the lands were known after, perhaps, 'Aṣir, or by the name of their various owners.
122 For this sense of *waṭan* see p.22a, n.31.
123 Landberg, *Arabica V*, Leiden, 1898, 116, explains *khalīṭ* as *mawālī* and *ra'awī* (*ra'iyyah*) with a reference to *khalā'iṭ wa-mawālī Hamdān* from Ibn Sa'd. Ḥusayn al-'Amrī explained it as *sharīk* (pl., *shurakā'*) partners in an agricultural context.
124 Sing., *maqlab*, explained as *munḥadar al-sayl, al-mudarrajāt*, or, as one says, *maḍrab al-sayl.*
125 The *uṣūl* would be buildings, stone dykes and revetments, walls, etc.
126 Op. cit., 222.
127 But indirectly there is something of this approach in A. M. A. Maktari, *Water rights and irrigation practices in Laḥj*, Cambridge, 1971.
128 For Rasūlid taxation on ports, see my 'Ports of Aden and Shihr', *Les grandes escales*, Recueils de la Société Jean Bodin, Brussels, 1974, XXXII, 208-24.
129 Cf. p.146b, n.30.

The Zaydī Imāms in Ṣa'dah and Ṣan'ā' during the medieval period, not controlling ports, must rely on taxing the countryside and extracting what they could from such cities as they held. To judge by Zaydī practice under the Ḥamīd al-Dīn they probably collected taxes from the Zaydī tribes through the *Shuyūkh al-Ḍamān,* and these certainly deduct a *muwāsāh*—a proportion as a recompense. A very significant change in the application of revenue collection method is chronicled under the year 1077/1666, in the tribal territory of al-Ḥaymatayn west of Ṣan'ā'.

> The Imām (al-Mutawakkil b. Ismā'īl) established the *majbā* (tax) and farming (*ḍamānah*)[130] [of tax by shaykhs] on the district of al-Ḥaymah when, previously, what was charged (*masūqu-hu*)[131] on it (went) to the Imām by local assessment (*bi-'l-amānah*) on account of precedents (*sawālif*)[132] which they had made with al-Mu'ayyad (1011-13/1602-4) whereby they considered themselves deserving of special favour, and in acknowledgement of the alliance (*al-taqrīb wa-'l-taqrīr li-'l-yad*).[133] Some of them were lax about the obligatory dues (*al-ḥaqq al-wājib*) and unaware that it is absolutely imperative—the public weal (*maṣlaḥah*) (herein) is evident, and the proof (*dalīl*) that assessment (of crops etc., *kharṣ*) (is obligatory) is clearly distinguished.[134]

The Imām obviously preferred to have the revenues in the Ḥaymah district farmed because this would bring in a more ample revenue than would accrue to the Treasury from a system of local self-assessment—which inevitably means that the state receives less than the land can reasonably bear. A case in point is that, in those parts of the Yemen to which assessment *'bi-'l-amānah'* has been applied since 1962, the revenue receipts are said to have steeply declined. It looks as if, in the instance of al-Ḥaymah, the Imām's intention was to bring the district into line with other districts, abolishing the favoured position of the tribes there.

It is in the nature of governments as a rule, never to have sufficient financial resources to achieve all that is desired of them. For the reasons advanced above the Zaydī Imāms were chronically short of money. Their own internal squabbles apart, their lack of resources rarely rendered it feasible to bring a strong centralized government to the Upper Yemen. It can be fairly said that the two strong and stable governments established by the Imāms in the 11th/17th and 14th/20th centuries resulted from the impetus given the Imāms through their leading role in expelling the Ottoman Turks from the Yemen. The ruler in the Yemen to retain the loyalty of his tribal supporters, and their backing with armed men when he requires them, must have money or privilege to disburse to them. This is a reason why Imām Yaḥyā amassed silver dollars in his fort on the summit of Jabal Nuqum and thus gained his reputation for miserliness. The Prophet Muḥammad himself had to devote some revenue to 'compose the hearts' of the tribes, as every Arabian ruler throughout the history of the Peninsula has had to do. In the tribal areas it was naturally cheaper to put down a recalcitrant tribe by encouraging other tribes to attack and plunder its villages.

From about the time of the assumption of power by the Zaydī Imāms in the 11th/17th century their devices to raise revenue brought them into controversy and debate with the Zaydī ulema,[135] who regarded either the way and purpose for which certain taxes were raised, or perhaps a given tax itself, as un-Islamic. The controversies are too detailed and the argument supported by too great a wealth of learning, for analytical discussion here, but the debate centred on taxes called *majābī* (sing., *majbā*),[136] *mukūs* or duties paid on merchandise sold in the market, *ma'ūnah* (pl., *ma'āwin*) 'aid', and payment of *zakāt,* or the gift of lucrative assignments, to sayyids. Precedents to justify these are discovered in the practice of the first Zaydī Imām in the Yemen, al-Hādī. The Imām al-Manṣūr billāh (ob. 614/1217) remarked that al-Hādī

> took the *ma'ūnah* and that led to his going out of Ṣan'ā' because of the weakness of his condition. When he had left Ṣan'ā' and he heard of the reprehensible things they did, he regretted that on account of taking *ma'ūnah* from them, and when God made him victorious in entering Ṣan'ā' the second time he took the *ma'ūnah* and levied it (*farraqa-hā*) on the people of Ṣan'ā' to strengthen his troops and soldiers.[137]

Other early authorities aver that in the case of *jihād,* usually rendered in English as 'holy war', the Imām has the right to impose a levy, citing the example again of al-Hādī who, "asked the people of Ṣan'ā', when ('Alī) b. al-Faḍl the heretic (*al-mulḥid*) left (Ṣan'ā'), for a quarter of their property (*amwāl*)—thereby to defend it against the warring (*kayd*) of their enemy', i.e. the Qarmaṭian. This was to be levied by distribution (*ifrāz-an wa-muqāsamah*) within the city.[138] Al-Manṣūr considered al-Hādī's actions as authorizing the imposition of *ma'ūnah* and the *qabālāt* likewise—*qabālah* apparently meaning the farming of a tax imposed; and another authority justifies this if applied to meeting the needs of the troops and forts (*al-junūd wa-'l-ḥuṣūn*).

A type of 'aid' cited is a dinar, over and above the *zakāt,* on ten sheep, which al-Manṣūr imposed after consulting the chiefs (*kibār*) of the country, and the 5,000 dinars levied annually on al-Ẓāhir, Bakīl and Banū Mu'ammar country so long as the Ghuzz (Ayyūbids) had power in Ṣan'ā'.[139] He also mentions a tax called *al-khums,* the fifth, imposed on territory which ' oppressors tread ' (*yaṭa'ū-hā 'l-ẓālimūn*). When the Ghuzz (Ayyūbids) had made a particularly unwelcome raid upon al-Ẓāhir on the eve of the Feast, the *'āqils* of Hamdān said,[140] ' No-one will protect us but a person of impregnability (*dhū man'ah*) like the Imām (al-Manṣūr) so we shall expend for him such and such (a sum of) money, and at his gate shall be such and such a body of men assigned for service (*li-rasm al-khidmah*) '. They offered to levy the sum of 6,000 dinars on the Ḥāshid and Bakīl confederations, but al-Manṣūr was informed that their tax (*kharāj*) ' in the time of the oppressors ' had been 50,000 dinars and this he asked of them.

Brief allusion should be made here to an extraordinary innovation proposed by the Ayyūbid sultan, Ṭughtakīn, when he gained possession of the Yemen. He wished to buy all the land in the country so as to allot it to the Government Dīwān; anyone wishing to cultivate it would then rent it from the officials in the Dīwān—'as it is in Egypt!' He got as far as sending out assessors (*muthamminūn*) to value the land, though there was a great protest from the ulema, but Ṭughtakīn died in 593/1197 before he could attempt to put his scheme into execution. It was of course utterly

130 The tax-farming system appears to have been followed in early Islamic Yemen. Cf. my article in C. A. O. van Nieuwenhuijze, *Commoners, Climbers and Notables,* 229-30.

131 Cf. the use of the term *siyāq* in *Qānūn Ṣan'ā'*.

132 Here *sawālif* probably means written agreements.

133 I am not absolutely sure of the correctness of my rendering here, and *al-taqrīr li-'l-yad* might mean acknowledgement of help. To say two parties are *yad wāḥidah* means that they make common cause together.

134 *Ṭabaq al-ḥalwā,* fol. 58b-59a.

135 There may of course have been earlier debates between the Imāms and ulema which would be reflected in Zaydī books of law but this remains to be explored. 'Abdullāh al-Ḥabshī, *Fihrist al-makhṭūṭāt al-Yamaniyyah,* op. cit., 73, no. 388, reports the existence in al-Ghurfah of Ḥaḍramawt, of al-Hādī li-Dīn Allāh (ob. 894/1487), *Risālah fi ḥukm al-jibāyah allatī ya' khudhu-ha 'l-A'immah,* not reported by Brockelmann. This treatise on pre-Ottoman Imāmic taxation could prove interesting.

136 *Maqābī* appear to be local taxes for one purpose or another, but I cannot give any precise definition at present. See *Qānūn Ṣan'ā',* note 1.

137 Al-Jarmūzī, *al-Sīrat al-Mutawakkiliyyah,* 223. Cf. *Sīrat al-Hādī,* 241, he asked for *al-'awn wa-'l-salaf,* aid and loan.

138 Ibid, 442, 527.

139 The sum was distributed among the tribes to pay (*qusiṭa bayna-hum 'alā qadr sa'ati-him wa-ṣifati-him*). This is reminiscent in the use of *qusiṭa* of Document A of the so-called Constitution of Medinah.

140 Ibid, 525-6.

impractical, except, possibly, in some districts of the Lower Yemen only.[141]

Two other cases of the imposition of *ma'ūnah*-aid may be quoted—undoubtedly there are many more. In the year 650/1252 the Imām Aḥmad b. al-Ḥusayn bought the fort Birāsh (of Ṣan'ā') from a relative of the Rasūlid sultan of Ta'izz, and distributed the cost of it (*farraq thamana-hu*) over all his Imāmic territory, each adult male being charged five dirhams.[142] Again, in 869/1464-5, when the first Ṭāhirid sultan, 'Āmir, was about to resume his attack on Ṣan'ā', the Imām Muḥammad b. Nāṣir, asked the people of Ṣan'ā' for 4,000 *ūqiyyah* of silver, for 'aid' (*i'ānah*) to perform the *jihād*.[143] All this goes to show that the Imāms considered fighting even a Muslim aggressor a part of *jihād* under certain conditions, and levied *ma'ūnah*-aid for such purpose.

It is recorded that, in the early 15th century, Ṣan'ā' district, al-Sirr, al-Raḥabah, the *balads* of Hamdān, Janb, and Dhayfān, and al-Bawnayn paid a tax to the Rasūlids in money and raisins (*'ayn wa-zabīb*). In the year 1058/1648 controversies (*muṭāraḥāt*) broke out between the Imām al-Mutawakkil Ismā'īl and the ulema of the time, concerning the taxes known as *mukūs*, *majābī* and *zakawāt*;[145] and one of his relatives questioned him about the monthly demands (*al-maṭālib al-shahriyyah*) which he made on the Lower Yemen and the reasons for making them. The Imām replied that it had come under the control of infidels (*kuffār*), and quoted the Zaydī law book *al-Azhār* to prove that he could take from it what he wished. As the country had only been occupied by the Ottoman Turks, and that about a quarter of a century earlier, the argument was obviously difficult for the ulema, or certain of them, to accept as a justification for taxation not laid down in *sharī'ah*.

The controversy is laid out *in extenso* by the author of *al-Sīrat al-Mutawakkiliyyah*.[146] The view is proffered that in principle, whatever the Imām imposes on the people for a common interest (*maṣlaḥah*) of theirs is lawful, 'even the wages of the guards (*ujrat al-ḥarrāsīn*) to guard against fire, and the raising of walls (*naṣb al-durūb*) and gates of streets.' The Yemen, it is argued, requires an Imām to have many soldiers to compel the tribes to return things wrongfully taken (*ẓalāmāt*) and make them pay the bloodwits (*diyāt*). The Yemen is full of troubles (*fitan*), even if, during the rule of the Imām al-Mutawakkil, they have lessened because of the respect (*haybah*) for the Imām. He and the chiefs with him must have ample equipment to carry out their duties.

> Yemen is poor (*ḥaqīr*) and its taxes (*wājibāt*), with regard to what goes to the soldiers (*'askar*), are only a little (*yasīr*). The Yemen's disbursement (*makhrūj*) is inadequate (to meet) what the soldiers alone are due. The product (*maḥṣūl*) of the Yemen has been totalled up along with what is due to the soldiers and it falls far short—how shall it be with the needs of others with obligatory rights, the writers (*ahl al-ta'līf*), the *fuqarā'* and *masākīn*?[148]

The Imām's critics asserted that the poll-tax payable by the Jews (*al-jizā*) amounting to 70,000 went to a single person, and half of the income (*kharāj*) of Aden, which is over a lac, went to another. (The Zaydī Imām is the recipient of the poll tax on Dhimmīs). The rejoinder was that there were not enough Dhimmīs, Jews, in the Yemen to produce such a sum! Aden was not known to have had a revenue (in those days) of over 12,000, most of its revenue going to pay the garrison and assistants, and the rest to meet what comes to it, and to the roads of the hinterland (*al-barr*) and benefaction.[149]

The attack included the accusation[150] that most of the Hāshimites have insufficient to meet their needs in the way of food and clothing, and the *hijrahs*[151] of Āl Yaḥyā b. Yaḥyā (Sayyids) are, all but a few, in the most pressing need. The Imām's reply was that these people receive from him what others do not get, and if it is restricted to what the lists (*bayānāt*) and registers (*dafātir*) contain in the way of cloth (*bazz*), cash (*naqd*) and grain (*ṭa'āmāt*) in respect of stipend (*taqrīr*), fee (*muwāsāh*) and gifts (*ṣilāt*)—more comes to them than what they are due.[152] There is an attack on the Imām's relatives for monopolizing the properties of Allāh under their control and not paying the Imām what he is due.[153] A point which is to arise in later history also is the permissibility or otherwise of disbursing the *zakāt* to the poor of the Banū Hāshim, or, on account of a (public) advantage, to the rich among them.[154] It is noteworthy that the Ḥākim of Ṣan'ā', the learned *qāḍī* and Imām of the Jāmi' Mosque, Ibrāhīm b. Yaḥyā al-Saḥūlī,[155] came down on the side of approval of aid to indigent Hāshimīs.

The revenues of the Treasury at this period are specified as *ma'ūnah*-aid, the fifths (*akhmās*) on country formerly under 'oppressors', court fines (*maẓālim*), and the obligatory dues (*al-ḥuqūq al-wājibah*) such as *zakawāt* and tithes (*mu'ashsharāt*) on those people (liable to pay) them.[156]

That the Sayyids and others managed to retain a portion of what might have been dispensed as *zakāt* emerges from a measure which the Imām al-Mutawakkil al-Qāsim decided upon in the year 1135/1722-3, namely to collect the dues and *zakawāt* of those who were exempt from payment of tax (*qabḍ wājibāt al-ajbār*),[157] employing his minister, the learned *faqīh*, Aḥmad al-Shijnī, as intermediary. These exempt persons held written warrants (*muḥarrarāt*) in their possession from the Imāms that *they* should disburse their *zakawāt* to the poor, so numerous complaints were raised to al-Mutawakkil (supporting) the remaining[158] of the exempt persons' *zakawāt* under their surveillance. He, however, paid no attention but determined to put his plan into execution and sent out valuers (*khurrāṣ*) to the properties of the family of the Imām,[159] the ulema, chiefs and all exempt persons. The Lord of Kawkabān and others thereupon took action to despatch their *zakawāt* to al-Mutawakkil without undergoing valuation (*khirṣ*). Al-Mutawakkil's action, however, created such a stir that a number of other notable Sayyids left al-Rawḍah for Arḥab, as a gesture of rebellion, and he had to abandon his plans. The great censor of morals, the learned Muḥammad b. Ismā'īl al-Amīr, far from applauding al-Mutawakkil over this issue, indited a *qaṣīdah*[160] attacking al-Shijnī for corrupt practice, and favouritism in excluding the family of the Imām and powerful tribal chiefs from inclusion in the new measure. Zabārah sees the poem as attacking the empowering of al-Shijnī to take away *waqf* property.[161] The *qaṣīdah* is a fine piece of invective and of considerable social and historical interest. The question of administrative practices which the ulema considered unjustifiable in Islamic law was taken up by Muḥammad b. Ismā'īl al-Amīr in 1146/1733-4. When in Shahārah, he composed a long epistle

141 *Ghāyat al-amānī*, 339, quoting 'Umārah and al-Khazrajī, but there are many allusions to this in Yemeni historians. It was bitterly opposed by the ulema.
142 Al-Khazrajī, *al-'Uqūd*, I, 100; al-Jarmūzī, op. cit., 526, with additional examples.
143 *Ghāyat al-amānī*, 598.
144 According to the Ms. Professor C. Cahen and I are editing, *Mulakhkhaṣ al-fitan*, 13a.
145 *Ṭabaq al-ḥalwā*, 23.
146 Op. cit., 446.
147 Presumably religious scholars are meant. *Fuqarā'* may have another sense than poor, but *masākīn* means apparently simply poor here.
148 *Al-Sirat al-Mutawakkiliyyah*, 486.
149 Ibid, 489.
150 Ibid, 490.
151 See p.40b seq.
152 Ibid, 489.
153 Ibid, 491.
154 *Ṭabaq al-ḥalwā*, 23a. Cf. *Nashr al-'arf*, II, 460, on 'eating the *zakāt*' by the Sayyids of the Yemen.
155 Ms. points this al-Suḥūlī.
156 *Al-Sirah*, 503.
157 *Nashr al-'arf*, I, 289. *Gloss. daṭ.*, 261, *jabar*, plur., *jibār*, *qui ne paie pas d'impôts*.
158 The text has *baqiyyah* here but it looks incorrect.
159 This is curious in that the Imām's family is later said to be exempted.
160 *Diwān al-Amīr al-Ṣan'ānī*, Cairo, 1384/1964, 213.
161 *Nashr al-'arf*, I, 289.

to the Imām al-Manṣūr al-Ḥusayn b. al-Mutawakkil in Ṣan'ā' to which he persuaded the ulema of Shahārah, Ḥūth and Ṣa'dah to append their signatures.[162] In this he attacked the innovation/heresy (*bid'ah*) of the market taxes (*mukūs*), and *majābī* and the 'detriment' (*aḍrār*) they caused, reiterating that it was prohibited to receive them. He also criticized the assignment of fiefs (*iqṭā'āt*)[163] to some 'Alawī Sayyids who were of no general use, and to the rich, the appointment of ignorant governors (*'ummāl*) and *ḥākims*, the billeting (*ṣarf*) of persons arriving in Ṣan'ā' on the houses of its inhabitants, the attachment of the *awqāf* to certain idle persons living in luxurious circumstances, the (silver) dirhams which had been struck, and the high (buildings) of the Jews (*taṭāwul al-Yahūd*), etc. In 1181/1767-7 towards the end of his life he was able to declare,[164]

> From their unlawful properties I have abstained,
> No fief have I assumed. No tax on market trade,
> Or yet, from any store, measure of corn obtained,
> No complaint of store-man or tax-collector made.[165]

Whether or not he was influenced by the views of the said Muḥammad b. Ismā'īl,[166] the Amīr of Kawkabān,[167] some time before the year 1162/1748, used to urge his father who had put him in charge of Kawkabān, to collect only the legal dues (*al-wājibāt al-shar'iyyah*) from the peasants (*ra'iyyah*), without the addition of what the government taxes (*al-qawānīn al-dawliyyah*) demanded, such as tax on merchandise (*mukūs*), *mu'ūnāt*-aid, and the customary payments (*al-mu'tādāt*)[168] which the former heads/chiefs had laid down. His father declined to upset the system/order (*niẓām*), and to lower what was taken from the full customary payments (*kifāyat al-mu'tād*) or to cause a short-fall in the supplies of the districts. The son put forward the counter-argument that justice would make the country prosperous; so they agreed to make an experiment with a village, Ḥabābah near Thulā. This village used, after much injustice, to produce annually 700 *qadaḥ*-measures of grain, accompanied by great ill-feeling from the peasants. Its *'āmil* was ordered to collect only the tithe (*'ushr*) from the threshing floors (*ajrān*). Next year 1,800 *qadaḥs* were collected accompanied by goodwill, and in the ensuing year over 2,000. This treatment was then extended to the rest of the Kawkabān district and there was a great increase in production. The whole country was brought into cultivation when much of it had been left uncultivated (*ṣaluba*)[169] because of oppression, and no place was left without being sown so that even flood-beds (*sawā'il*) and mountains were sown. Abundant rains also followed.

Local Taxes on Ṣan'ā' City

The wealthy and merchant community of Ṣan'ā', even its inhabitants in general, throughout its history were inevitably 'meat on a tray',[170] as the saying is, in front of the triumphant conqueror, the needy ruler, or the governor intent on lining his pockets while his term of office lasted. It is likely too that customary gifts were offered or extorted and tended to turn into a fixed impost. For example, outside Ṣan'ā' in the Jahrān district we discovered the sharecropper would present the landlord with a gift of oil at his visits—this, it was agreed, was an ordinary token of good relations, but some persons seemed to consider it part of the payments made to the landlord.[171] The city was obviously 'squeezed' again and again and to take a case in point, when the first Zaydī Imām al-Hādī could no longer extract any money from it to satisfy the demands of his soldiers he had no option but to leave.

From time to time the historians record not the imposition of oppressive taxes or dues, but their removal. The Imām Ṣalāḥ al-Dīn (ob. 793/1391) removed the demands (*maṭālib*) on the people of Ṣan'ā' which unjust oppressors had introduced.[172] In the first Ottoman occupation of the Yemen, Murād Pasha arriving in 988/1580 removed many of the oppressive practices (*rusūm al-jawr*) set up by his predecessors over Ṣan'ā'.[173] There is some suggestion that the Turks made an *iqṭā'* (fief) of Ṣan'ā', but this is a question that requires further investigation.

In the post-Ottoman period al-Mutawakkil Ismā'īl removed many customary payments (*ma'ārif mu'tādah*) from his subjects (*ra'āyā*).[174] In 1077/1666 'the Imām lifted the (dues, taxes) which he had placed on the markets and none of the farmings (*qabālāt*)[175] remained except what was there previously.'[176] In 1089/1678, 'Izz al-Islām 'abolished the farming of the markets (*qabāl al-aswāq*) in Ṣan'ā' of the Yemen.'[177] The historians content themselves with these bald statements without adducing any reasons for these actions.

Under the Turks of the second Ottoman occupation Ṣan'ā' underwent a number of changes—a Municipality (Baladiyyah) was set up and for instance, in 1305/1887-8 the Mayor al-Qayṣarlī gave orders about the cleaning of the streets.[178] Market dues, ten per cent on all produce sold, one Turkish piastre for every goat slaughtered and ten Turkish piastres for every bullock were levied, and customs dues at the ports.[179] Wyman Bury[180] writing just before World War I, says that, since the Turkish *rapprochement* with Imām Yaḥyā in September 1913, the Turkish milking of the vilayet had ceased, octroi and transit dues had been abolished, but municipal and market rates were still levied in Turkish controlled towns. The introduction of the Baladiyyah was a departure from traditional administration, but it was preserved under the rule of the Ḥamīd al-Dīn after the war.

Writing of the early twenties the well-known author Ameen al-Rihani[181] found the burden of taxation was very heavy and the complaint of it general. I have heard myself Yemenis say that during the Turkish occupation we could not fill the Ṣundūq

162 Ibid, I, 600.

163 By *iqtā'āt* I think he means that *waqf* property is made over to Sayyid control.

164 *Dīwān*, op. cit., 265. *Taṭawwul* can also mean simply 'arrogance'.

165 *'Afaftu 'an amwāli-him lā quṭ'at-an*
Uqṭi 'tu aw maks-in (read *maks-an* ?) *min al-aswāqi*
Aw kaylat-an/in min ayyi mikhzān-in fa-lā
Ashkū min al-khazzāni wa-'l-sawwāqi.
The *kaylah* is, judging by other texts, an issue of grain from the Government store (*mikhzān*). The complaint of the store-man may be explained from *Nashr al-'arf*, I, 476, where the tax-collectors—the *ṣā'ifi* and the *qabbāḍ*—are restricted to a fowl to be killed for their supper as entertainment when touring, and the ' short measure which those in charge of the (Government) stores give ' (*al-mikyāl alladhī yuṭaffif bi-hi ahl al-makhāzin*) is prohibited. Since the poet accepts no *kaylah* he does not complain of short measure. The *sawwāq* is not a term known to me, but cf. *siyāq* in *Qānūn Ṣan'ā'*, passim.
Another verse (*Dīwān*, 214) runs, 'You have permitted the taking of customs (*mukūs*) in our land, and the proliferating (*tawfīr*) of them, wrongfully on every merchant' .

166 Many scholars recognize that it is unfortunate that a volume, *Ibn al-Amīr wa-'aṣru-hu: ṣūrah min kifāḥ sha'b al-Yaman*, by (mainly it is averred) Qāsim Ghālib, but with other names included, n.d. and no place of publication mentioned, but which appeared about 1969, instead of doing justice to this great scholar, is largely an exercise in anti-Imāmic propaganda. Ibn al-Amīr, also known asal-Badr,was accused of opposing the *madhhab al-Āl*, the Zaydī school of Islam (*Dīwān*, 381) but this he refuted. A critic of the abuses of the age he certainly was, but a *mujaddid* and within the Zaydī fold.

167 *Nashr al-'arf*, I, 261.

168 Jarmūzī, op. cit., 226, speaks of the Ḥaḍramī Sultan as taking *'awā'id* to the Ottoman Ḥaydar Pasha, and later to the Zaydī Imām—this looks like simple tribute.

169 *Ṣaluba* is used today in exactly the same sense given by Lane, 'the land has been hard by lying waste for years'.

170 *Laḥm 'alā waḍam.*

171 In Ḥaḍramī documents such customary gifts are sometimes listed as fixed dues; in the copies I have they seem mainly related to the grain and date harvests.

172 *Ghāyat al-amānī*, 537.

173 Ibid, 156.

174 *Al-Sīrat al-Mutawakkiliyyah*, 321.

175 At Ṣan'ā' *qabal* was said to mean *ḍamān*, farming of taxes. *Sa-ataqabbal ḍarā'ib al-sūq bi-mi'at alf, mathal-an = iltizām bi-miqdār mu'ayyan*, I shall contract to farm the market for 100,000, for example, i.e. for a fixed sum.

176 *Ṭabaq al-ḥalwā*, 60 a.

177 Ibid, 121 b.

178 Zabārah, *A'immat al-Yaman*, (2), I, 75.

179 Arab Bureau, Cairo, *Handbook of Yemen*, Cairo, January 15, 1917, 42.

180 *Arabia Infelix*, London,1915, 18.

181 *Arabian peak and desert*, 125.

al-Māl, literally the Coffer of Money—the Treasury— how can we now fill the Bayt al-Māl, the House of Money, the term that the Imāms re-introduced. Rihani enumerates the taxes as the *zakāt,* i.e., the tithes collected in kind, cereals, coffee included, the tithe collected on perishable goods including *qāt,* tithes on cattle and domestic animals in kind or cash, tithes on commerce and industry. These, he says, are added to the *zakāt* which originally included them all. Even the *zakāt* is multiple for, in addition to the 2½% of yearly income there is what is called the *zakāt* of the body (*al-badan*), paid in Ramaḍān, together with the *zakāt* of the jewels of the *ḥarīm* as well as that of the *jihād,* war subscription, whenever it is called for. A small tribute he notes, is paid by the Jews—the rich pay three *riyāls* a year, the middle class Jew two, and the poor pay only one *riyāl* or 2s.

Sayyid Muḥammad al-Ghaffārī, in conversation, told me that in older (Imāmic) days the *majābī* were local taxes on fruit and vegetables, and were of two categories—the Government (Dawlah) took one category which the Municipality collected (*tajbī-hi 'l-Baladiyyah*) and the revenue from this it spent on the (public) services of the town (*maṣāliḥ al-balad*), roads, watch-service (*ḥirāsah*), and their employees. He added that taxes collected in the name of the state (Dawlah) were on everything that entered Ṣan'ā'—really a *gumruk* or customs. The second category was on merchandise (*tijārī*), on trade packages (*al-ṭurūd al-tijāriyyah*) and what he called *bandalāt* and large *bindahs* (pl., *binad*)[182] bales. This was how it was in the days of the Turks, and then in the days of both Imām Yaḥyā and Aḥmad. This went to pay for the Scales (Mīzān), the headmen (*maqādimah*) and the *shaykh al-layl.* Each donkey (*bahīmah*) or load (*ḥiml*) had to pay four *buqash* to the Municipality (*'an ṭarīq al-Baladiyyah*) which went to pay for the guarding (*ḥirāsah*) of Ṣan'ā' and the cleaning (*tanẓīf*). Another person told me that this tax on entry into the town was called *zāllah* and was payable on every beast (*'alā kull qārishah*). *Mukūs,* al-Ghaffārī confirmed, are *gamārik,* customs, and *ma'ūnah*-aid, he averred, was *bi-'l-riḍā,* by choice or consent. Some of the ulema considered that the Imām Yaḥyā was not upright (*ṣāliḥ*) because he took *mukūs* and the Yemeni Liberals in their Programme dated 1357/1938-9 asked Imām Yaḥyā for the 'abolition of the customs (*jamārik*), and being content with the *zakāt* on trading (*tijārah*),[183] holding thereby to the statutes (*aḥkām*) of the Muḥammadan *sharī'ah'*.[184] Another clause asks for 'freedom of trading so that there should be no privilege (*imtiyāz*) in it for one apart from another'. Another clause demands 'acceptance of *amānah* (good faith)[185] on the part of people in the matter of the open and private *zakāt* (*ẓāhirah wa-bāṭinah*) which Allāh made obligatory upon them'.

Ameen al-Rihani[186] describes how these Government and Municipal taxes were collected in Yaḥyā's time, at the Samsarat al-Mīzān, the Warehouse of the Scales, though he does not mention it by this name. It was

> a vast court with stalls and alcoves under arches all around where scribes are writing in books and men of grave aspect are smoking *madā'ahs.* In the court and under the arches are piles of bales and boxes, and at one end are large scales with cannon-balls of various sizes and weights. 'This is the Custom House of Ṣan'ā',' says Abd'ur-Rahman. 'Every loaded camel or mule or man entering through one of the seven gates of the city has to come here first to be weighed and cleared'. 'The merchandise you mean,' said I, in a teasing conceit. But he was not disturbed. 'The *qorash* (pack beasts),' he explained, 'are also taxed. A cameleer has to pay duty on his merchandise and entrance tax on each of his camels.'

Nowadays, I was told, taxes are far more in Ṣan'ā' than they were in the past—there are the municipal tax (*ḍarībat al-Baladiyyah*), co-operation (*ta'āwun*), supply (*tamwīn*), Chamber of Commerce (Ghurfat al-Tijārah)—which are taken at points at 'Aṣir, and the Bāb al-Yaman and Bāb al-Shu'ūb Gates. Of course goods coming to Ṣan'ā' from outside the Yemen will be customed—if from Aden at al-Rāhidah, or if by sea at Hodeidah, but some local Yemeni goods coming in to Ṣan'ā' Market will be taxed on entry, such as grapes etc. There is a very considerable amount of smuggling into the present-day Yemen, both from the sea-board and via Sa'ūdī Arabia.

'The *zakāt,*' writes al-Ṭayyib Zayn al-'Ābidīn in 1975,[187] 'as collected in Yemen, falls into four categories: (a) *'ushūr* or tithe, (b) *fiṭrah* or poll-tax, (c) livestock, and (d) al-*bāṭin* or wealth tax.' He describes *al-bāṭin* as 2½% of annual savings. *Fiṭrah* was apparently fixed by Imām Aḥmad at one *riyāl* per person.[188] My 1974 report[189] describes it thus.

> *Fiṭrah,* now become virtually a sort of poll-tax on every member of the family, is paid at the end of Ramaḍān. The amount is decided by the Government in accordance with the price of millet at the time—the figure quoted for the current year is 1 *riyāl,* 30 *buqshahs* per head, man, woman and child. (Another source said that the tax is based on the price of the Prophet's *ṣā'* (measure) of millet).

The question of whether the Yemen, if it depends entirely on the revenue that the taxes ordained by the *sharī'ah* impose, could ever meet the necessary charges on the said revenue is not easily answered.

The Yemen is in no way peculiar in that a substantial proportion of the taxes of any sort has always stuck to the hands of the chain of collectors. Some become so rich that a man would be said to 'have built himself a house (*banā lah bayt*)', not of course from his meagre salary but from what he has illicitly made on the side. Every office, down to the ordinary *jundī* who stands at the customs and demands his *ḥaqq al-qāt,* is turned to the holder's personal advantage. The Liberal Party's early manifesto[190] which demanded restriction of taxation to the *shar'ī* code also asked that corruption and bribery (*rishwah*) be combatted by increasing the salaries of the Government employees, *qāḍīs,* governors, secretaries, soldiers and teachers so that they would not have to defraud the people, but in 1972 the Premier could still speak frankly of the need to eliminate the same kind of corruption. As one reads the historians it emerges as virtually ordinary procedure to throw officials, often of an extremely high level, into prison, to extract from them some of the wealth they had accumulated by irregular means—they can hardly be called corrupt means since they were doing nothing out of the normal—an honest administrator is rare enough for comment in biography. Officials would be 'squeezed' or fined large sums, but might even continue in their posts. In both Ottoman occupations the Yemenis considered the Turkish officials, foreigners, excessively grasping since they had to make their pile before dismissal arrived from Istanbul—so they were naturally in a greater hurry

182 E. V. Stace, *English-Arabic vocabulary, bundah, bunad. Shay mayyit qarīb yujahhizu-h muwazzafu al-Baladiyyah,* Anything newly dead the Municipality employees would deal with.

183 In the time of the first Zaydī Imām, Muḥammad b. Sulaymān al-Kūfī says, 'I used to collect (*aqbiḍ*) for Yaḥyā b. al-Ḥusayn, the *zakāt* on the properties of the merchants. Now there would be merchants trading and staying for months, so I said to him "Why do you not take the *zakāt* on their properties?" To which he answered, "If we take the *zakāt* of their properties we shall have to protect (*naḥūṭu-hum*) wherever they are in our country and elsewhere so that nothing will be taken from them."'

184 *Barnāmaj Ḥizb al-Aḥrār al-Yamanī,* Aden (Fatāt al-Jazirah Press), no date but probably not earlier than 1944.

185 I.e., self-assessment.

186 Op. cit., 164.

187 *The role of Islam in the state,* op. cit., 206.

188 Sulṭān Aḥmad 'Umar, *Naẓrah fī taṭawwur al-mujtama' al-Yamanī,* Beirut, 1970, 106. It includes an attempt to rewrite south Arabian history on Marxist ideological lines.

189 *Report on Land and Water Rights with other relevant topics, in the Montane Plains and Wadi Rima' (MPWR) Project, Yemen Arab Republic.* (To Foreign and Commonwealth Office, O.D.A., Land Resources Division).

190 Op. cit., 6.